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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1456/2020 & CM APPL. Nos. 5069/2020, 5071/2020

SH. RAKESH KUMAR AND ORS. Petitioners

Through: Mr. A.K.Bhardwaj & Ms. Jagrati
Singh, Advs.

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel for GNCTD with Mr.
Nitesh Kr. Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **11.02.2020**

The present petition is directed against order dated 23.09.2019 passed by the Central Administrative Tribunal ('Tribunal') whereby the OA has been dismissed.

2. Mr. A.K. Bhardwaj, learned counsel for the petitioners submits that the petitioners are contractual employees who have worked for the respondents for between 7 and 20 years ; and yet the petitioners' claim for regularization has been rejected. He submits that this issue has been raised in various earlier OAs, where different orders have been passed. He submits that an identical matter, against refusal of the Tribunal to grant interim protection, was a subject matter of W.P.(C) No. 8455/2019 titled ***Amar Jeet & Ors. vs. Govt. of NCT Delhi & Ors.*** He submits that the order passed by the High Court in ***Amar Jeet*** should have been followed by the Tribunal in this case as well in the MA filed by the petitioners.

3. The operative portion of order dated 05.08.2019 in W.P.(C). No. 8455/2019 is reproduced below :

" Considering the circumstances, we are not inclined to interfere with the impugned order and grant any stay of the recruitment process that the respondents are undertaking. However, we make it clear that it shall not be a ground available to the respondents to reject the petitioners' claim for regularisation that the vacancies have already been filled and are not available. We also direct the respondents to take a decision on the petitioners' claim for regularisation positively within the next three months and to communicate their decision to the petitioners.

The petition stands disposed of in the aforesaid terms."

4. Mrs. Avnish Ahlawat, learned Standing Counsel enters appearance for GNCTD and submits that the petitioners are only contractual employees and have no right for regularization. She submits that vacancies were advertised but the successful candidates have not yet been issued appointment letters since the respondents are still in the process of receiving applications.

5. She submits that she has no objection if the aforesaid order dated 05.08.2019 is followed, except that the representation of similarly situate persons already stands considered and rejected by the Lieutenant Governor ; and since the petitioners are identically placed, such rejection order would apply to the petitioners as well.

6. We have heard learned counsel for the parties.
7. A Co-ordinate Bench of this court in the case titled ***Amar Jeet & Ors. vs. Govt. of NCT Delhi & Ors.*** has declined to stay the recruitment process. The only relief granted to the petitioners in that case is that a decision be taken on their claim for regularization. Since the petitioners are similarly situate, their representations shall also be placed before Lieutenant Governor, to enable the LG to pass appropriate orders, as directed in earlier order dated 05.08.2019. Order dated 05.08.2019 would accordingly apply to the petitioners as well.
8. With these directions, the writ petition and pending applications are disposed of.

G.S.SISTANI, J.

ANUP JAIRAM BHAMBHANI, J.

FEBRUARY 11, 2020/uj