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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 16.10.2020

**W.P.(C) 10093/2017 CM APPL.10237/2020, CM APPL.16659/2020 &
CM APPL.26096/2020**

DR. ABID HUSSAIN & ORS

..... Petitioner

versus

UNION OF INDIA & ORS

..... Respondent

Advocates who appeared in this case:

For the Petitioner	:	Mr. Kirti Uppal, Senior Advocate with Mr. Javed Ahmed and Mr. Aditya Raj, Advocates
For the Respondents	:	Mrs. Bharathi Raju, CGSC for R-1 Mr. Saket Sikri, Advocate with Mr. Arun Sanwal and Mr. Ajay Pal Singh, Advocates for R-2 & R-3

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

J U D G M E N T

SIDDHARTH MRIDUL, J. (Open Court – via Video Conferencing)

The present matter has been taken up for hearing by way of Video Conferencing on account of COVID-19 pandemic.

1. The present writ petition under Articles 226 and 227 of the Constitution of India has been has been instituted on behalf of the Union Public Service Commission, the petitioner herein, praying as follows:-

- (i) Allow the writ petition of the petitioners.
- (ii) Quash and set aside the order dated 05.05.2017 in O.A. No.509 of 2015, passed by the Hon'ble CAT, PB, New Delhi whereby the OA was partly allowed and the prayer of petitioners for regularization was irrationally rejected and the pay scale and allowances prayed were only partly allowed and order dated 21.08.2017 in RA No.141 of 2017 passed by the Hon'ble CAT, PB, New Delhi.
- (iii) Grant relief prayed in the OA No.509 of 2015 and RA No.141 of 2017 in totality in a time bound direction.
- (iv) Award the cost of the petition.
- (v) Any other relief(s) or Orders(s) that this Hon'ble Court may deem fit and proper in the interest of justice.

2. After some arguments, Mr. Kirti Uppal, learned Senior Advocate appearing on behalf of the petitioner, on instructions states that, the petitioner would be satisfied, if the respondents are directed to comply with the directions issued by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'learned Tribunal'), in paragraph 8.2.3 of the order dated 05.05.2017, passed in O.A. No.509/2015, titled as '*Dr. Sneh Lata Jain & Ors. vs. Union of India &*

Ors.’, in their entirety. The said directions contained in paragraph 8.2.3. of the impugned order dated 05.05.2017 reads as follows:

“.....8.2.3 In view of the aforesaid submissions, it is clear that no regular posts are available against which the applicants can be regularized. Hence, their prayer for regularization cannot be considered and also there is no question of conferring permanent status on them. However, to allay their fear that the respondents will discharge this work through some other Unit/Wing and appoint a fresh set of contractual employees, we direct that if this activity is assigned to any other Unit/Wing of the respondents then new set of contractual employees shall not be appointed to displace the applicants herein. In such an eventuality the services of the applicants herein shall be continued provided they meet the eligibility conditions of the new establishment. There will, however, be no bar in making regular appointments and if that is done the applicants may be considered as per rules after giving admissible age relaxation.”

3. Mr. Saket Sikri, learned counsel appearing on behalf of Council of Scientific and Industrial Research (CSIR), respondent Nos.2 and 3 herein, states that they shall comply with the directions issued by the learned Tribunal in the impugned order dated 05.05.2017 and in particular paragraph 8.2.3 in their entirety, without demur.

4. In view of the foregoing, respondent Nos.2 and 3 are directed to comply with the directions contained in paragraph 8.2.3 of the impugned order dated 05.05.2017, passed by the learned Tribunal in O.A. No.509/2015, in their entirety, forthwith.

5. No further directions are called for.
6. With the above directions, the writ petition is disposed of. All the pending applications also stand disposed of.

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

OCTOBER 16, 2020
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[*Click here to check corrigendum, if any*](#)