



2024:DHC:2117



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

% Judgment delivered on: 14.03.2024

+ **W.P.(C) 3798/2024****AKASH SOLANKI & ANR.**

..... Petitioners

versus

**GOVERNMENT OF NCT OF DELHI AND ANR.**

..... Respondents

**Advocates who appeared in this case:**

For the Petitioners : Ms. Draksha Khan, Mr. Sahil Raja and  
Mr. C. M Jha, Advocates.

For the Respondents : Mrs. Avnish Ahlawat, Standing  
Counsel for GNCTD with Mrs. Tania  
Ahlawat, Mr. Nitesh Kumar Singh, Ms.  
Laavanya Kaushik, Ms. Aliza Alam  
and Mr. Mohnish Sehrawat, Advocates.

**CORAM:****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****J U D G M E N T****TUSHAR RAO GEDELA, J. (ORAL)****[ The proceeding has been conducted through Hybrid mode ]****CM APPL. 15594/2024 (for exemption)**

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 3798/2024 & CM APPL. 15593/2024 (for interim relief)**

3. This is a writ petition under Article 226 of the Constitution of



India, 1950, seeking *inter alia* the following reliefs:-

*“a. Issue a writ of mandamus or any other appropriate writ thereby quashing the advertisement no. ICSIL/RC/10-A/287/RGSSH/Various posts/2023- 2024 for 2 posts of Cath Lab Technician appended as Annexure P-1.*

*b. Issue a writ of mandamus or any other appropriate writ directing the Respondent not to terminate or replace the Petitioners through another set of contractual employees till regular selection are made.*

*c. To provide equal pay benefits to the Petitioners in terms of the pay fixed for the post of technician Gr-II under the respondent department in the similar way as being provided to nursing staffs, with all consequential benefits since initial appointment.*

*d. Pass any other or further order which this Hon'ble court may deem fit and proper according to the facts and circumstances of the case.”*

4. Learned counsel appearing for the petitioners submits that the Intelligent Communication Systems India Limited (hereinafter referred to as “ICSIL”) had issued a notification *vide* Advt. No.: - ICSIL/RC/10-A/287/RGSSH/Various posts/2023-2024 for recruitment to various posts on contractual basis to be deployed in Rajiv Gandhi Super Speciality Hospital, Delhi.

5. Learned counsel submits that according to the serial No. 2, the ICSIL has advertised 06 posts for Cath Lab Technician (Cardiology) on contractual basis.

6. She further submits that petitioners are also Cath Lab Technicians in the very same Hospital and are sought to be replaced by another set of contractual employees, which is violative of judgment of the Supreme Court in the ***State of Haryana & Ors. vs. Piara Singh & Ors.*** reported in (1992) 4 SCC 118. She further submits that except by way of regular selection, one set of contractual employees cannot be replaced by



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another set of contractual employees.

7. Issue Notice.

8. Notice is accepted by Ms. Laavanya Kaushik, learned counsel appearing for respondent Nos. 1 and 2, who, on written instructions, submits that the posts advertised in serial No. 2 for Cath Lab Technician is in addition to the already engaged contractual employees, and as such, the same would not be in a manner of replacement of the presently employed contractual employees.

9. Ms. Kaushik submits that the petitioners are the outsourced employees, who have also been engaged through ICSIL.

10. Ms. Kaushik, learned counsel submits that since the posts are in addition to the employees, who have already engaged contractual employees, there could not be any possibility of any grievance of the petitioner in respect of the respondents seeking additional contractual employees.

11. In view of the aforesaid statement of Ms. Kaushik, learned counsel for the respondents, the petition along with pending application is disposed of binding the Department to the statement given, with no order as to costs.

**TUSHAR RAO GEDELA, J.**

**MARCH 14, 2024/nd**