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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 8546/2024

KAPIL KOLI AND ANR

.....Petitioners

Through: Mr. R.K. Shukla, Ms. Pooja Makhija,
Ms. Nisha Maurya and Mr. S.K.
Tripathi, Advs.

versus

MCD AND ORS

.....Respondents

Through: Mr. Harsh Singhal, Ms. Mugdha
Avnish Sharma, Mr. Utkarsh Singhal
and Mr. Kulwant Singh, Advocates
for MCD

CORAM:

**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR
KAURAV**

ORDER

22.07.2024

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1. In view of the order passed by this Court on 15.07.2024, the respondent-Corporation has taken the following decision:-

"Decision on the representation of the petition of Kapi Koli and Pankaj Koli pursuant to order dated 15.04.24 passed by Hon'ble High Court in WPC No. 8546/2024 & CM APPL 35033/2024. Titled as Kapil Koli Ans. v/s MCD and Ors."

Pursuant to the directions of the Hon'ble High Court the representation / grievance of the petitioners regarding "Considering their duty on the day of the practice session which is fixed on every Friday and Saturday" pursuant has been considered.

On referring to the record, it has been observed that the petitioners were engaged as daily wagger substitute Chowkidar by the principal as stop gap arrangement and services of Chowkiar is indispensable and more over their presence is very much required for safety & security of the school.



Hence in light of above, the request made by the representation grievance of the petitioners can't be acceded to / permitted.

The representation / request made by Kapil Koli and Pankaj Koli disposed off in terms of above accordingly.

This is being issued with prior approval of competent authority."

2. It is thus seen that the petitioners were engaged as daily wager substitute Chowkidars by the Principal as a stop gap arrangement.
3. The services of Chowkidars are indispensable and moreover, their presence is essential for safety & security of the school. It be noted that the petitioners are not regular Class-IV employees and the office order dated 28.09.2021 which is sought to be relied upon relates to Class-IV employees.
4. The Court, therefore, is not inclined to pass any mandatory directions to allow the petitioners to attend the practice sessions. The petitioners are, however, at liberty to pursue their request with the Department by way of fresh representation, which shall be considered in accordance with law. It be kept in mind that the petitioners have been selected in the respondent-Corporation Team and will represent the respondent-Corporation.
5. The petitioners are also at liberty to attend the practice sessions while availing the leave.
6. In view of the above, the petition is disposed of.

PURUSHAINDR KUMAR KAURAV, J

JULY 22, 2024

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