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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9183/2024 & CM APPL. 37542/2024 and CM APPL. 37543/2024

DELHI RAJYA HEALTH SERVICES CONTRACTUAL
EMPLOYEE UNION (REGD.) THROUGH MR. NEYAZ AHMED,
GENERAL SECRETARY & ORS.Petitioners

Through: Ms. Vertika Sharma, Advocate for
Ms. Kamlakshi Singh and Mr. Kunal Goswami,
Advocates.

versus

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI &
ORS.Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar Singh,
Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advocates for R-1 to R-3.
Mr. Gaurav Dhingra and Mr. Shashank Singh,
Advocates for DoE.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
16.07.2024

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1. This writ petition has been preferred on behalf of the Petitioners under
Article 226 of the Constitution of India seeking the following reliefs:-

- (a) quash/set aside the impugned advertisement no. 04/2024 dated 12.01.2024, advertisement no. 02/23 dated 31.07.2023 and direct the respondents not to proceed with the same or any other advertisement for invitation of vacancies, till the directions issued by the Hon'ble High Court in the case of "Sonia Gandhi Vs Govt. of NCT of Delhi" being WP (C) No.6798/2002, are followed; and
- (b) quash & set aside the impugned policy dated 11.10.2020 being not in its true letter and spirit, as per the Judgment passed in Sonia Gandhi's case.



(c) formulate a fresh policy following the true letter and spirit of directions issued by the division bench in the case of “Sonia Gandhi Vs Govt. of NCT of Delhi, to regularize the services of the petitioners along with consequential benefits from the date of filing of the petition in view of constitution bench judgment of “Uma Devi” as the petitioners, have continuous service of more than 10 years with the respondents and direct the respondents not to terminate the services of the petitioners till their services are regularized in view of above said judgments.

(d) without prejudice and in the alternative direct the respondents to continue with the services of the petitioners and provide job security till the date of retirement keeping in view the long tenure and age of the petitioners.

2. From a reading of the petition as well as the prayer clause, it is clear that what the Petitioners assail here is an impugned advertisement which is issued by Delhi Subordinate Services Selection Board (DSSSB) for selection to various posts in the Department of Health and Family Welfare of the Delhi Government and thus, the remedy lies before the Central Administrative Tribunal in view of the judgment of the Constitution Bench of the Supreme Court in ***L. Chandra Kumar v. Union of India and Others, (1997) 3 SCC 261.***

3. Petition is accordingly dismissed giving liberty to Petitioners to avail the appropriate remedies before the appropriate forum. Pending applications also stands disposed of.

JYOTI SINGH, J

JULY 16, 2024/shivam