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

+ **W.P.(C) 180/2024 & CM APPL. 833/2024**

SURESH GAUR

.....Petitioner

Through: Mr. Avadh Bihari Kaushik, Mr.
Prateek Goyal and Mr. Rishabh
Kumar, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Mr.Nitesh Kumar Singh,
Ms.Laavanya Kaushik and Ms.Aliza
Alam, Advs for GNCTD.Z
Mr.Abhay Kumar, Mr.Vineet Kumar
Singh, Mr.Shagun Ruhil and
Mr.Karan Chopra, Advs for R-10.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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06.02.2025

1. Heard learned counsel appearing for the petitioner, Ms. Laavanya Kaushik, learned counsel representing Government of NCT of Delhi and Mr. Abhay Kumar, learned counsel representing respondent no. 10.
2. By means of this petition filed under Article 226 of the Constitution of India, a writ of *Quo Warranto* has been sought against respondent no. 8, 9, 10 and 11, who presently are holding the posts of Medical Director at Burari Hospital, Medical Director at Deen Dayal Upadhyay Hospital, Medical Superintendent at Maharishi Valmiki Hospital and Medical



Superintendent at Satyawadi Raja Harish Chandra Hospital, respectively, run by the Government of NCT of Delhi.

3. It has been argued by learned counsel appearing on behalf of the petitioner that all said appointments have been made contrary to the rules, as a result of which, the eligible incumbents in the service are not being promoted. However, learned counsel representing the Government of NCT of Delhi has submitted that the appointments were not made in regular capacity, rather all these incumbents were appointed in stopgap arrangement and were given charge of their respective posts, considering the exigencies of the situation.

4. We have also been informed that against these appointments, the salary applicable to the posts being presently occupied by these incumbents has not been paid; rather they have been drawing the salary of their substantive posts.

5. On a query made, learned counsel representing the Government of NCT of Delhi, informs the Court that on account of some litigation, as to the control of services under the Government of NCT of Delhi, regular selection for the aforesaid posts could not be made. She, however, states that now the said issue has been resolved by means of a judgment passed by the Supreme Court in ***Government of NCT of Delhi v. Union of India, Civil appeal No.2357/2017***, dated 11.05.2023.

6. In view of the aforesaid, since the posting of respondent nos. 8 to 11 has been made only as a stopgap arrangement, temporarily, as such, we are not inclined to entertain this writ petition.

7. Accordingly, this writ petition stands disposed of with the direction to the Government of NCT of Delhi to take appropriate steps for filling up of



the aforesaid posts by way of making regular appointments.

8. The said exercise of making regular appointments shall be completed by the Government of NCT of Delhi as early as possible.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

FEBRUARY 6, 2025/MJ