



\$~22 to 35 & 38 to 41

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

+ LPA 503/2025, CM APPL. 48879/2025, CM APPL. 48880/2025, CM APPL. 48881/2025, CM APPL. 48882/2025, CM APPL. 48883/2025

MUNICIPAL CORPORATION OF DELHIAppellant

versus

RAJBIR SINGH & ANR.Respondents

23

+ LPA 504/2025, CM APPL. 48710/2025, CM APPL. 48711/2025, CM APPL. 48712/2025, CM APPL. 48713/2025, CM APPL. 48714/2025

MUNICIPAL CORPORATION OF DELHIAppellant

versus

RAJ SINGHRespondent

24

+ LPA 505/2025, CM APPL. 48731/2025, CM APPL. 48732/2025, CM APPL. 48733/2025, CM APPL. 48734/2025, CM APPL. 48735/2025

MUNICIPAL CORPORATION OF DELHIAppellant

versus

BALAK RAMRespondent

25

+ LPA 506/2025, CM APPL. 48741/2025, CM APPL. 48742/2025, CM APPL. 48743/2025, CM APPL. 48744/2025

MUNICIPAL CORPORATION OF DELHIAppellant

versus

SH. ASHOK KUMARRespondent

26

+ LPA 507/2025, CM APPL. 48747/2025, CM APPL. 48748/2025, CM APPL. 48749/2025, CM APPL. 48750/2025

MUNICIPAL CORPORATION OF DELHIAppellant

versus

JAIVINDER SINGHRespondent

27

+ LPA 353/2025, CM APPL. 32871/2025, CM APPL. 32872/2025

MCDAppellant



34

+ LPA 379/2025, CM APPL. 35128/2025, CM APPL. 35129/2025
MUNICIPAL CORPORATION OF DELHIAppellant
versus
SH RAM KISHANRespondent

35

+ LPA 380/2025, CM APPL. 35132/2025, CM APPL. 35133/2025
MUNICIPAL CORPORATION OF DELHIAppellant
versus
SATISH KUMAR & ANR.Respondents

38

+ LPA 509/2025, CM APPL. 48782/2025, CM APPL. 48783/2025, CM
APPL. 48784/2025, CM APPL. 48785/2025, CM APPL. 48786/2025
MUNICIPAL CORPORATION OF DELHIAppellant
versus
MUNISH CHAND & ANR.Respondents

39

+ LPA 510/2025, CM APPL. 48806/2025, CM APPL. 48807/2025, CM
APPL. 48808/2025, CM APPL. 48809/2025, CM APPL. 48810/2025
MUNICIPAL CORPORATION OF DELHIAppellant
versus
JAI PAL SINGHRespondent

40

+ LPA 511/2025, CM APPL. 48832/2025, CM APPL. 48833/2025, CM
APPL. 48834/2025, CM APPL. 48835/2025, CM APPL. 48836/2025
MUNICIPAL CORPORATION OF DELHIAppellant
versus
SIROMAN SINGHRespondent

41

+ LPA 512/2025, CM APPL. 48845/2025, CM APPL. 48846/2025, CM
APPL. 48847/2025, CM APPL. 48848/2025, CM APPL. 48849/2025
MUNICIPAL CORPORATION OF DELHIAppellant
versus



RAJENDER SINGH

.....Respondent

Memo of appearance

Counsel for the Appellant: Dr. Divya Swamy, Standing Counsel.

Counsel for the respondents: Mr. Varun Prasad and Mr. Anuj Aggarwal,
Advts. in Item Nos.27-35.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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08.08.2025

1. The present appeals have been filed by the appellant for setting aside the impugned judgment dated 04.07.2024 passed by the learned Single Judge in W.P.(C) 2990/2017 and other connected matters, whereby the learned Single Judge upheld the Awards passed by learned Industrial Tribunal and held that the respondent(s) were entitled for the pay scale of Garden Chaudhary for the period for which they performed the said duties in officiating/ *ad hoc* position.
2. Learned counsel for the appellant, relying upon the judgment of the Apex Court in the *State of Bihar v. Bihar Secondary Teachers Struggle Committee, Munger and Ors.* [(2019) 18 SCC 301], and more particularly to *paragraph 91* of the said judgment, submits that even if the respondent(s) were performing duties of a Garden Chaudhary, this solely does not make them entitle for the pay scale of Garden Chaudhary since the rules of recruitment and educational qualification for the post of Mali and Garden Chaudhary are completely different.
3. Learned counsel for the appellant then, while drawing the attention of this Court to paragraph no.22 of the impugned judgement, further states that



the learned Single Judge has decided all the 33 writ petitions on the basis of the facts of one case, even though the facts in each case were distinct, and therefore, the law could not have been applied across the board in all the 33 writ petitions.

4. A perusal of the impugned judgment *prima facie* reflects that the Appellant/ Municipal Corporation of Delhi has itself not put forth the facts of each case in their arguments before the learned Single Judge.

5. In the wake of the same, this Court gave a suggestion to the learned counsel for the appellant that until and unless the factual foundation is not laid down in every case before the learned Single Judge and the same has not been dealt with by the learned Single Judge, the present LPAs cannot be considered.

6. In response, learned counsel for the appellant seeks liberty to withdraw the present LPAs with liberty to file a review petition before the learned Single Judge.

7. Without giving any observation on the merits of the case, leave and liberty as prayed for is granted. The present LPAs are dismissed as withdrawn with liberty to the appellant to take remedies in accordance with law.

8. Needless to state that the benefit of Section 14 of the Limitation Act, 1963 would be given to the appellant while commuting the time taken since filing of the present LPAs till the date of disposal.

SUBRAMONIUM PRASAD, J.

AUGUST 8, 2025/bh

SAURABH BANERJEE, J.