



2025:DHC:7283-DB



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

Date of decision: 25.08.2025

+ W.P.(C) 12850/2025
EMPLOYEES STATE INSURANCE CORPORATION AND
ANR.

.....Petitioners

Through: Mr.Manish Kumar Saran,
Ms.Ananya Tyagi, Mr.Siddhant
Sharma & Mr.Aditya Mani
Saran, Advs

versus

DR. SURENDER DABAS AND ORS.

.....Respondents

Through: Ms.Sriparna Chatterjee,
Mr.Soumitra Chatterjee &
Mr.Himan K Pal, Advs

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 52493/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 12850/2025 & CM APPL. 52492/2025 & 52494/2025

2. This petition has been filed, challenging the Order dated 02.05.2025, passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal'), in O.A. No. 511/2020, titled ***Dr. Surender Dabas and Ors. v.***



Employees State Insurance Corporation and Anr., allowing the O.A. filed by the respondents herein, in the following terms:-

“10. In view of the aforesaid, the present OA is disposed of with the following orders:-

- I. The respondents shall not replace the applicants by another set of contractual Medical Officers (Ayurveda);*
- II. The respondents shall consider the claim of the applicants for minimum of the pay scale admissible to the regular Medical Officer (Ayurveda) in light of the judgment of this Tribunal in OA No. 1398/2018 titled Aditi Kumari (supra) and also taking into account the fact that these very respondents have stipulated remuneration to the contractual Medical Officers of other stream, like Dental Surgeon etc., at the rate of minimum pay scale admissible to the regular Medical Officers in such stream and pass an appropriate order to this effect as expeditiously as possible and preferably within eight weeks of receipt of a copy of this order.”*

3. The limited grievance of the petitioners in the present petition is against the direction of the learned Tribunal to grant the minimum of the pay scale admissible to regular medical officers to the respondents.

4. The learned counsel for the petitioners submits that in passing the above direction, the learned Tribunal has failed to appreciate that the appointment letters of the respondents itself state that the respondents were working only 5 hours per day and six days a week, unlike regular employees. He submits that the respondents were also appointed against a consolidated salary and, therefore, were not entitled to the minimum pay scale applicable for regular employees, who not only had to work the full day, but were also in a post which



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was transferable in nature. He submits that there are other distinctions also between the respondents appointed as contractual employees and others who are appointed against regular posts.

5. Issue notice.

6. Notice is accepted by Ms.Sriparna Chatterjee, the learned counsel on behalf of the respondents.

7. Placing reliance on the Judgment of the Supreme Court *in Jaggo v. Union of India & Ors.*, 2024:INSC:1034, and of this Court in *Roshan Khan and Others v. Union of India and Others*, 2024 SCC OnLine Del 7928, she submits that no fault can be found with the direction of the learned Tribunal directing the petitioners to grant the minimum pay scale of the post at which the respondents are working. She submits that even the regular employees are working only for 6 hours a day and, therefore, an artificial restriction has been created just to deny the lawful and legitimate relief to the respondents. She further submits that the plea of restricted number of hours was not even urged by the petitioners before the learned Tribunal. She submits that other contractual employees are being paid the minimum of the pay scale by the petitioners notwithstanding the restriction on the number of hours of working.

8. We have considered the submissions made by the learned counsels for the parties.

9. From the reading of the Impugned Order, it appears that the petitioners had not raised the plea of restriction of number of hours and the distinction sought to be urged by them between the respondents and the employees who are working against the regular



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posts.

10. Given the above, we dispose of this petition by granting liberty to the petitioners to approach the learned Tribunal with an appropriate application. In case such application is moved by the petitioner, the learned Tribunal shall consider the effect of the same on the ultimate relief to be granted to the respondents.

11. With the above directions, the petition along with pending applications is disposed of.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 25, 2025/rv/ik