



2025:DHC:8419-DB



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

Date of decision: 22.09.2025

+ W.P.(C) 14660/2025

ALL INDIA INSTITUTE OF MEDICAL SCIENCES AIIMS

.....Petitioner

Through: Mr.Tanveer Oberoi, Adv.

versus

DR POONAM CSHIC & ORS.

.....Respondents

Through: Mr.Jaswinder Singh, Adv. for
R-2 and R-3

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 60141/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 14660/2025 & CM APPL. 60140/2025

2. This petition has been filed by the petitioner, challenging the Order dated 23.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 372/2019, titled ***Dr. Poonam Coshik (Chief of Blood Bank) v. All India Institute of Medical Sciences & Ors.***, whereby the learned Tribunal allowed the O.A. filed by the respondent no.1 herein and directed the petitioner to place the respondent no.1 under the Old Pension Scheme.

3. The said O.A. had been filed by the respondent no.1, contending therein that she was appointed as Assistant Blood



Transfusion Officer on 07.06.2000, albeit, on *ad-hoc* basis. Her services were regularised on the basis of a written test and interview *vide* Office Order dated 16.01.2006, which stated that she was not covered under the GPF-cum-Old Pension Scheme but that the New Pension Scheme would be applicable to her.

4. The respondent no.1 had made representations to the petitioner, however, the same were rejected, compelling her to approach the learned Tribunal by way of the above O.A.

5. The O.A. was allowed by the learned Tribunal, placing reliance upon the Judgment of this Court in ***Dr. Ravindra Narayan Mishra v. Sri Guru Tegh Bahadur Khalsa College & Ors.***, 2023:DHC:3475.

6. Though the learned counsel for the petitioner submits that the said Judgment is not applicable to the facts of the present case, inasmuch as the services of the petitioner therein were governed by Statute 28A of the University of Delhi, we are not impressed with the above submission.

7. The learned Single Judge of this Court had placed reliance, *inter alia*, upon the Judgment of the High Court of Punjab and Haryana in ***Union of India & Ors. v. Dr. Neelam Aggarwal & Ors.***, 2018:PHHC:121494-DB, wherein the High Court had observed as under:

“25. It is a fact on record that the respondents were performing the same duties, which were being performed by regular appointees. Respondents continued without any interruption i.e. maintaining and protecting their continuity in service, pay scale and other service benefits, including the



increments, as being drawn by them as ad-hoc appointees. The said fact is fortified by the conduct of their appointing authority as pay protection was allowed to them on their appointment on regular basis. However, in the case of fresh appointments they were given a pay scale of fresh appointee. At this stage it would be relevant to reproduce the minutes of Sub-Committee meeting held on 14.09.2011.

26. For the reasons mentioned above, the respondents were not treated as fresh appointees in stricto sensu. As per the terms and conditions of the appointment letter their services as ad-hoc appointees were not considered for the purpose of their regularization but on their successful appointment as regular employees the services rendered by them on ad-hoc basis were safeguarded for the purpose of pay protection. In view of above discussion the Tribunal rightly came to the conclusion that respondents would be governed by OPS prevalent at the time of their initial appointment.

27. Viewed from another angle, the respondents were denied benefit of OPS only on the ground that NPS would apply to employees who were appointed on or after 01.01.2004. It is undisputed that respondents were working against those very posts since 1999 onwards although initially on adhoc basis but that cannot be a ground to disentitle them from benefit of OPS.”

8. Though the learned counsel for the petitioner submits that a Special Leave Petition had been filed challenging the aforesaid Judgment before the Supreme Court, and that the same was dismissed solely on the ground of limitation vide Order dated 10.01.2020, leaving the question of law open, we do not find any reason to take a



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view different from that taken by the High Court of Punjab and Haryana.

9. Accordingly, we find no merit in the present petition. The same, along with the pending application, is dismissed.

10. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 22, 2025/sg/HS/DG