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

+ **CONT.CAS(C) 1749/2024**

NARESH KUMAR & ORS.

.....Petitioners

Through:

Mr. Somnath Gupta with Mr.
Abhishek Vashishth, Advocates.

versus

A. ANBRASU SR. IAS & ANR.

.....Respondents

Through:

Mr. Abhinav Singh and Ms. Shivani
Sharma, Advocates for GNCTD with
Mr. Amresh Kumar, DS, Litigation,
Tihar Jail.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

20.05.2025

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1. Reply has been filed.
2. Counsel for the petitioners states that they have an objection to the regularisation order passed by the respondents on 16th July 2015, since they were regularised with effect from 14th July 2015 instead of 06th July 2001, as directed by this Court.
3. Further, *Mr. Abhinav Singh*, counsel for the respondents' states that they were paid salary with effect from 06th July 2001 and were treated regular after the implementation of the scheme with effect from 14th July 2015.
4. The order dated 16th September, 2010 of which compliance is sought was passed by the Division Bench, directing as under:

"25. We dispose of all the writ petitions directing the Government of NCT Delhi to, as a one-time measure, frame a



suitable scheme to consider regular recruitment of such applicants of OA No.1479/2000, OA No.1523/2000, OA No.1534/2000 and OA No.1560/2000 who are still working at Tihar Jail and while so doing give benefit of age relaxation. The scheme would duly take note of the fact that Tihar Jail is understaffed. Till the scheme is prepared and implemented such daily wage Laboratory Technicians/Radiographers who are working at Tihar Jail would be paid salary in the minimum of the scale in which regularly appointed Laboratory Technicians/Radiographers are placed. We further direct that such of the applicants of OA No.1479/2000, OA No.1523/2000, OA No.1534/2000 and OA No.1560/2000 who are still working at Tihar Jail and also Subodh Kumar and Naveen Kumar be paid wages in the minimum of the scale applicable from time to time to the post of Laboratory Technician/Radiographer for the past period of service rendered by them reckoned from the date the Tribunal issued directions in their favour i.e. 6.7.2001 and while so doing the daily wage received by them under the label of travelling allowance be adjusted. We clarify that such applicants of OA No.1479/2000, OA No.1523/2000, OA No.1534/2000 and OA No.1560/2000 who have left employment and are not working (except Subodh Kumar and Naveen Kumar), would not be entitled to the benefit of directions issued by us. An exception needs to be carved out qua Sohan Lal on the issue of wages payable to him. Noting that he is an Ex-Serviceman and receiving pension, while determining back wages payable to him with effect from 6.7.2001, in addition to the daily wage received by him as travelling allowance, pension received by him would also be adjusted.”

5. Two aspects are obvious from the directions.
6. **Firstly**, that the scheme must be formulated by the GNCTD as a one-time measure and **secondly**, till the scheme was prepared, the daily wage Laboratory Technicians/Radiographers, who are working at Tihar Jail, would be paid salary in the minimum of the scale, in which regularly appointed Laboratory Technicians/Radiographers are placed.
7. As regards the *first* aspect, the scheme has been prepared. Though the



petitioners' counsel has an objection that was made applicable only from 14th July 2015, this aspect will have to be agitated by the petitioners in the appropriate Writ Petition and cannot be considered by the Contempt Court.

8. As regards the *second* aspect, the minimum wages are being given, as noted above.

9. *Mr. Amresh Kumar*, DS, Litigation from Tihar Jail is present in Court and states that they have given the minimum of the scale, in which the Laboratory Technicians/Radiographers are placed. However, there is dispute by the petitioners in this regard as well. This aspect may be agitated by the petitioner in the Writ Petition.

10. Accordingly, aforesaid liberty is granted and the present petition is disposed of.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 20, 2025/*PB/na*