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

+ LPA 126/2026 & CM APPL. 15514-15/2026

**AIIMS OPERATION THEATRE TECHNOLOGISTS
ASSOCIATION**Appellant

Through: Mr.Narender Singh Yadav with
Mr.Ashutosh Yadav, Mr.Mayank
Kumar, Mr.Girraj Singh Yadav, Advs.

versus

UNION OF INDIA & ORS.Respondent
Through: Mr.Satya Ranjan Swain, CGSC with
Mr.Kautilya Birat, GP.

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA**

**ORDER
16.03.2026**

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1. Pursuant to our order dated 13.03.2026, a communication in the form of Office Memorandum (OM) dated 16.03.2026 has been received by the learned counsel representing the respondents, which has been issued by the Department of Expenditure. The said OM dated 16.03.2026 states that the Department of Expenditure vide OM dated 22.02.2024 has conveyed the decision of the Department of Expenditure regarding upgradation of pay structure of the members of the appellant – Association to the Ministry of Health and Family Welfare. The OM further states that the proposal made by All India Institute of Medical Sciences (AIIMS) for upgradation of pay scale, which was received in the Department of Expenditure during March,



2022 has not been agreed to by the Department of Expenditure and, accordingly, certain advice has been given to the Ministry of Health and Family Welfare. The OM dated 22.02.2024 and 16.03.2026 are taken on record.

2. The learned Single Judge by the impugned judgment has relegated the petitioner – Association to Central Administrative Tribunal in view of the judgment of Hon'ble Supreme Court in ***L Chandra Kumar v. Union of India*** [(1997) 3 SCC 261]. However, we are of the opinion that in view of the OM dated 22.02.2024 and 16.03.2026 issued by the Ministry of Expenditure, it will be appropriate to direct the Ministry of Health and Family Welfare to take a final decision into the matter within some stipulated time.

3. Further, the prayer made in the writ petition in our opinion, do not touch upon the merit of the claim of the members of the Association in respect of service dispute. The petition before the learned Single Judge was filed only seeking a direction to the Ministry of Expenditure to take a decision on the proposal submitted by the AIIMS, thus the impugned order dated 12.02.2026 passed by the learned Single Judge is hereby set aside with a direction to the Ministry of Health and Family Welfare to take a final decision in the matter within a period of two months from today.

4. While taking decision under this order, the Ministry of Health and Family Welfare shall take into consideration the merits and the recommendations made by the AIIMS as also advice tendered to it by the Ministry of Finance. In case, the petitioner – Association still aggrieved by the decision to be taken by the Ministry of Health and Family Welfare, it will be open for the petitioner to challenge such decision before any appropriate forum.



5. The appeal stands disposed of in the aforesaid terms.
6. No orders as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MARCH 16, 2026
S.Rawat