$~79 & 83

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

\+ W.P.(C) 4428/2026, CM APPL. 21738-39/2026

GOVT OF NCT OF DELHI AND ANR .....Petitioners

Through: Mrs. Avnish Ahlawat, SC with Mr. Uday Singh Ahlawat, Ms. Tania Ahlawat and Mr. Nitish Kumar Singh, Advocates.

versus

ASHWANI KUMAR SOLANKI & ANR. .....Respondents

Through: Ms. Bhawna Khanagwal, Advocate for R-1.
Mr Ravinder Agarwal, Manish Kumar Singh, Vasu Agarwal Advocates for UPSC.

\+ W.P.(C) 4446/2026, CM APPL. 21772-73/2026

GOVT OF NCT OF DELHI AND ANR .....Petitioners

Through: Mrs. Avnish Ahlawat, SC with Mr. Uday Singh Ahlawat, Ms. Tania Ahlawat and Mr. Nitish Kumar Singh, Advocates.

versus

SATYAJEET KUMAR SINGH & ANR. .....Respondents

Through: Ms. Bhawna Khanagwal, Advocate for R-1.
Mr Ravinder Agarwal, Manish Kumar Singh, Vasu Agarwal Advocates for UPSC.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

% **06.04.2026**

C. HARI SHANKAR, J.

1. These writ petitions assail a common judgment dated 1 July 2025 passed by the Central Administrative Tribunal in OA 1151/2024[1] and OA 1595/2024[2].

2. The facts in the two cases are identical. The Tribunal has also disposed of the OAs by a common judgment, under challenge before us.

3. The respondents in both these cases worked as Assistant Public Prosecutors[3] on contractual basis with the Directorate of Prosecution, Home Department, GNCTD. They applied in response to Advertisement 02/2021 dated 22 January 2021, issued by the Union Public Service Commission[4], for recruitment to 80 posts of APP. They sought age relaxation in terms of Office Memorandum[5] dated 11 June 2019 issued by the service department of the GNCTD.

4. In an earlier round of litigation, this Court, in WP (C) 9378/2021 and other connected cases, passed judgment dated 2 November 2023, directing the UPSC to grant age relaxation to the respondents as a one-time measure in terms of OM dated 11 June 2019.

5. The entitlement of the appellants to age relaxation is the issue in

---

[1] Ashwani Kumar Solanki v. GNCTD
[2] Satyajeet Kumar Singh v. GNCTD & Anr.
[3] "APPs" hereinafter
[4] "UPSC" hereinafter
[5] "OM" hereinafter

controversy.

6. Para 2(ii) of the OM dated 11 June 2019 reads thus:

> "2(II) The contractual employees working against all other administrative posts, will be eligible for one time relaxation in upper age limit upto maximum period of 5 years. The quantum of age relaxation will be subject to number of years spent in the department on contract basis provided, they have worked for at least 180 days in a particular year."

7. The dispute, before the Tribunal as well as before this Court, turns on the interpretation of the expression "in a particular year" as employed in the afore-extracted sub-para 2(II) of the OM.

8. On the ground that the respondents did not have, to their credit, 180 days service *in any calendar year* spanning January to December, the GNCTD rejected the candidature of the respondent. Aggrieved thereby, the respondents approached the Tribunal by way of OAs, in which the judgment under challenge has come to be rendered.

9. The Tribunal faulted the GNCTD for having interpreted the word "particular year" as "calendar year". In the absence of any specific stipulation that the service of 180 days was required to be rendered in a calendar year, the Tribunal held that the GNCTD was not justified in according such an interpretation to the clause in question.

10. The reasoning of the Tribunal, in this regard, as contained in para 28, 30 and 31 of the impugned judgment, merit reproduction thus:

"28. The term "particular year" used in the OM does not explicitly define the year as a calendar year. Respondents maintain service records financial year wise. The APAR's of the employees, salary and income tax etc are deducted financial year basis. Respondents themselves are not consistent with engaging the candidates on contractual basis. It not there case that the contracts are issued only at the beginning of the calendar year. When the respondents are engaging the candidates as per convenience it would be unreasonble to the candidate to deny benefit of his employment. Contrarily it is reasonable and consistent with the department's own practices to interpret the "particular year" as an academic or financial year, or any continuous 12-month period relevant to the nature of the contractual engagement.

*****

30. Moreover, the Directorate of Prosecution, Government of NCT of Delhi, issues experience certificates and calculates service periods on a financial or academic year basis (from 1st April to 31st March or 1st July to 30th June), which aligns with the applicant's contention.

31. Considering the above, the method of counting service strictly by the calendar year results in an arbitrary and mechanical calculation that defeats the purpose and intent of the OM and the binding judgment of the Hon'ble High Court."

11. Accordingly, the Tribunal has directed the GNCTD to reconsider and respondents' eligibility to age relaxation by interpretation the words "particular year" as "financial year".

12. Aggrieved thereby, the GNCTD has filed the present writ petition.

13. We have heard Mr. N.K. Singh, learned Counsel for the petitioner at length.

14. Mr. Singh submits that there was no justification for the Tribunal to read the words "particular year" as "calendar year". A year, he submits, is a year, and spans the period from January to

December. The interpretation given by the Tribunal to the office memorandum, according to Mr. Singh, is strained and unnatural, and does not align with the intent of the OM.

15. We are unable to agree.

16. We find no error in the view taken by the Tribunal, rejecting the petitioners' interpretation of the word "particular year" in the GNCTD OM dated 11 June 2019 as the calendar year.

17. Clearly, the OM does not specify that the words "a particular year" has to be understood as "a calendar year". The Tribunal has in para 28 of the impugned judgment, provided cogent reasons for not accepting the petitioners' submission that the year in question should be the financial year.

18. Mr. Singh is unable to show us any instruction or precedent to the effect that the word "year" in the OM is to be read as "calendar year".

19. It goes without saying that if there is any ambiguity in any service rule or administrative instruction, the benefit of the ambiguity goes to the employee rather than to the department.

20. Accordingly, no case is made out to interfere with the judgment of the Tribunal.

21. The petitions are dismissed in *limine*.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

APRIL 6, 2026/pa