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

+ **LPA 311/2026 & CM APPL. 27729/2026**

VIJAY KUMAR RAJORA

.....Appellant

Through: Mr.Biraja Mahapatra, Adv. with
Mr.Abhay Singh, Adv.

versus

THE LT. GOVERNOR, GNCT OF DELHI & ORS.....Respondents

Through: Mrs. Avnish Ahlawat, SC for
GNCTD with Ms.Tania Ahlawat,
Mr.Nitesh Kumar Singh, Ms.Aliza
Alam and Mr.Mohnish Sehrawat,
Advs. for R-1.
Mr.Harshit Chopra, Adv. with
Ms.Swati Tiwari, Adv. for R-
2/DCCWS along with Mr.Gurpeet
Singh Khanna, Legal Assistant
(DCCWS).

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **27.04.2026**

CM APPL. 27730/2026 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

LPA 311/2026 & CM APPL. 27729/2026 (for stay)

1. Heard the learned counsel for the parties.



2. This *intra-court* appeal seeks exception to an order dated 16.04.2026 passed by learned Single Judge in *W.P.(C) 5028/2026*, whereby the prayer made in *CM APPL. 24759/2026*, for staying the order impugned therein dated 27.03.2026, has been declined. By the impugned order, learned Single Judge has also declined the prayer for allowing the petitioner to continue to serve pending adjudication of the writ petition.

3. The facts in nutshell, which are relevant for the purpose of consideration of this appeal, are that the appellant is an employee of the respondent – cooperative society. As per the service rules, admittedly the age of superannuation of an employee of the respondent – cooperative society is 58 years. The claim put forth by the appellant is that in view of the Resolution passed by the Managing Committee of the respondent – cooperative society, dated 29.04.2022, the appellant is entitled to continue to serve till he attains the age of 60 years and since the appellant will be attaining the age of 58 years on 30.04.2026, therefore, as per the learned counsel for the appellant, learned Single Judge has erred in law in declining the prayer for grant of interim relief.

4. Learned counsel for the respondent – cooperative society on the other hand has submitted that the Resolution dated 29.04.2022 passed by the Managing Committee of the respondent – cooperative society is under cloud for the reason that the said Committee of Board of Directors which passed the Resolution no. 82 dated 29.04.2022, was not legally constituted.

5. Our attention has further been drawn to Section 135 of the Delhi Co-Operative Societies Act, 2003 which provides that the Government after commencement of the said Act shall direct all cooperative societies to frame service rules for their employees and get them approved by the Committee



within a period of 365 days. It has been stated that in terms of Section 135 of the said Act, no service rules have been framed by the respondent – cooperative society. Submission is that, as a matter of fact, the proposed service rules in terms of Section 135 of the said Act were framed by the respondent, which are pending consideration before the Registrar of Cooperative Societies. It is, thus, submitted that until and unless the relevant service rule is amended as per the requirement of law enhancing the age of superannuation from 58 years to 60 years, the prayer made by the appellant cannot be granted.

6. Having considered the submissions made by the learned counsel for the parties, what we find is that as on today the relevant service rules enhancing the age of superannuation from 58 years to 60 years have not been framed/amended.

7. Reliance placed by the learned counsel for the appellant on Resolution No. 82 dated 29.04.2022, for pressing the interim relief application, is also not tenable for the reason that the very constitution of the Managing Committee (Board of Directors) of the respondent – cooperative society which is said to have passed the said Resolution, is being doubted by the learned counsel for the respondent – cooperative society.

8. Unless and until, in our opinion, the issue relating to the validity of the Resolution of the Board of Directors dated 29.04.2022 is decided, no benefit can be said to have accrued to the appellant for continuing to serve the respondent – cooperative society till he attains the age of 60 years. Such issue is pending consideration before learned Single Judge in the proceedings of the writ petition, being *W.P.(C) 5028/2026*.



9. Accordingly, unless the said writ petition is decided finally, the grant of interim relief for allowing the appellant to continue to serve the respondent – cooperative society till the decision of the writ petition, in our opinion, is unwarranted. Accordingly, we are not convinced with the submissions made by learned counsel for the appellant.

10. We, thus, do not see any good ground to interfere with the impugned order passed by learned Single Judge.

11. Resultantly, the appeal is hereby dismissed along with pending application(s), if any.

12. However, we request the learned Single Judge to expedite the proceedings of the writ petition and conclude the same as early as possible.

13. No order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

APRIL 27, 2026
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