



2026:DHC:3072-DB



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

+ **W.P.(C) 8331/2021 & CM APPL. 23996/2025**

ASHOK KUMAR & ORS.Petitioners

Through: **Mr. Yaduinder Lal, Adv.**

versus

**GOVERNMENT OF NCT
OF DELHI & ANR.**Respondents

Through: **Mrs. Avnish Ahlawat, SC with
Mr. Uday Singh Ahlawat and Ms. Tania
Ahlawat, Advs.**

Mr. B.S. Rawat, CI DTTE for R-1 & 2

+ **W.P.(C) 2165/2022**

PRADEEP SHARMA AND OTHERSPetitioners

Through: **Ms. Rashmi Chopra, Sr. Adv.
with Mr. Puneet Rathi and Mr. Shahrukh
Qureshi, Advs.**

versus

GOVT OF NCT OF DELHI AND OTHERSRespondents

Through: **Mrs. Avnish Ahlawat, SC with
Mr. Uday Singh Ahlawat and Ms. Tania
Ahlawat, Advs.**

**Mr. Shivendra Singh, Ms. Prakriti Rastogi
and Ms. Aryama Singh Rajput, Advs. for R-
3**

Mr. B.S. Rawat, CI DTTE for R-1 & 2

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

13.04.2026

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C. HARI SHANKAR, J.

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CM APPL. 23996/2025 (for impleadment) in W.P.(C) 8331/2021

1. This application has been filed by the applicant seeking impleadment.
2. For the reasons stated in the application, the same is allowed and the applicant is impleaded as Petitioner 49 in these proceedings.
3. The application is disposed of.

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4. There is no dispute about the fact that the position of the petitioners in these writ petitions is identical to the staff in para 21 of the circular dated 25 March 2021 issued by the Department of Training & Technical Education. The said para enumerates the list of employees who were the beneficiaries of the aforesaid judgments, after noting thus:

“21. Applicant of WP(C) 4537/2017 & CM No. 19801/2017 and WP(C) No. 754/2018 will be paid HRA and TA also till further orders in this regard.”

5. It appears that said orders were also challenged before the Supreme Court and SLP were dismissed on the ground of delay. Accordingly, they attained finality.

6. The only contention advanced by Mr. Singh, learned Counsel for the respondent, is that the Supreme Court has, in para 55 of its

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judgment in *State of Punjab v. Jagjit Singh*¹, held that no allowances would be payable to such employees.

7. We are unable to accept Mr. Singh's submission for two reasons. Firstly, para 55 of the *Jagjit Singh* reads, thus:

“55. In view of all our above conclusions, the decision rendered by the Full Bench of the High Court in *Avtar Singh v. State of Punjab* dated 11-11-2011, is liable to be set aside, and the same is hereby set aside. The decision rendered by the Division Bench of the High Court in *State of Punjab v. Rajinder Singh* is also liable to be set aside, and the same is also hereby set aside. We affirm the decision rendered in *State of Punjab v. Rajinder Kumar*, with the modification that the employees concerned would be entitled to the minimum of the pay scale, of the category to which they belong, but would not be entitled to allowances attached to the posts held by them.”

8. It is clear from a reading of para 55 that the observations that no allowances would be payable was with respect to the “employees concerned in the cases” cited in para 55 of the said decision. The said paragraph, therefore, cannot be read as an omnibus enunciation of the law that no such employees would be entitled to HRA or TA.

9. More importantly, *Jagjit Singh* has been noticed by this Court in its judgments in WP (C) 4537/2017² and WP (C) 754/2018³. If it was the respondents' contention that *Jagjit Singh* had not been properly understood in the said decisions, it was open to them to challenge the said decisions. They did not choose to do so. Instead, they implemented the said decisions by way of the aforementioned circular.

¹ (2017) 1 SCC 148

² *Satyaveer Singh and ors v. Chief Secretary, GNCTD and Ors*

³ *Lal Bahadur Yadav and Ors v. Chief Secretary, Govt of NCT of Delhi and Anr*



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It goes without saying that the respondents, as a model employer, cannot adopt different stands with respect to persons who are situated identically.

10. Having accepted the judgments of this Court in WP (C) 4537/2017 and WP (C) 754/2018, and the petitioners in these petitions being identically situated, they would be entitled to HRA and TA as well as other allowances which were extended by this Court in the aforementioned writ petitions.

11. Accordingly, the writ petitions are allowed. The impugned judgments of the Tribunal stand set aside in the aforesaid terms.

12. The arrears would be paid from the date of filing of the OA within a period of twelve weeks from today.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

APRIL 13, 2026/AR