



2026:DHC:1799-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 27.02.2026*

+ W.P.(C) 14963/2021

GAURAV KUMAR GARGPetitioner

Through: Ms. Shrutika Garg, Adv.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Neeraj, SPC with Mr.
Soumyadip Chakraborty, Adv.
for R-1/UOI.Mr. OP Gaggar, Mr. Sachindra
Karn, Advs. for R-2 to 5.**CORAM:****HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE AMIT MAHAJAN****J U D G M E N T (O R A L)****ANIL KSHETARPAL, J.:**

1. Through the present Petition, the Petitioner seeks issuance of a writ in the nature of *Certiorari* by assailing the correctness of the order dated 29.06.2021 [hereinafter referred to as 'Impugned Order'] passed by the Central Administrative Tribunal [hereinafter referred to as 'the Tribunal'], whereby OA No.1195/2021 filed by the Petitioner was disposed of with a direction to the Respondents to release the salary for the period during which the Petitioner had actually discharged his duties.

2. At the outset, it is pertinent to note that the services of the Petitioner were subsequently terminated in January/February 2022 on

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account of his continuous failure to attend office.

3. In order to appreciate the controversy involved in the present Petition, the relevant facts, in brief, are required to be noticed.

4. The Petitioner, who is alleged to be a person suffering from locomotor disability, was appointed as Accounts Officer ('AO') (Group B) in the National Small Industries Corporation Limited by Respondent No.2 through a special recruitment drive for Persons with Disabilities ('PwDs'). He was initially posted at Howrah, West Bengal and was later transferred to Delhi in 2017. The record reflects that he remained absent from office from 27.09.2019 to 06.02.2020 for a continuous period of 133 days.

5. The Petitioner filed O.A. No.1195/2021 before the Tribunal seeking, *inter alia*, the following reliefs:

“(a) Direct the respondents to clarify that the name of the applicant had been wrongly included in all duty rosters after DOPT OM dated 19.05.2020 had been issued providing exemption to persons with disabilities from being included in duty rosters during the Covid-19 pandemic;

b) Direct that the action of including the name of the applicant in the duty rosters issued by the respondent organization are in contravention of DOPT OMs dated 19.05.2020, 05.06.2020, 28.08.2020, 02.11.2020 and DPE OM dated 14.09.2020, 23.09.2020 and 02.11.2020.

c) Direct the respondents to immediately release the salary of the applicant which has been illegally and with malafide intent been withheld from July, 2020 onwards;

d) Direct the respondents to take appropriate disciplinary action against the Departmental employees whose decisions have caused the grave delay of payment of Applicant's salary from July, 2020 onwards;

e) Grant the benefits as sought in prayer (b) along with 12% interest thereon due to unjustified and intentional delay;

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f) Direct payment of litigation costs, compensation and other miscellaneous costs amounting to Rs. 2,00,000 to the Applicant; AND

g) pass any other and further orders as this Hon'ble Tribunal may deem fit in the nature and circumstances of the case be granted."

6. The Tribunal, after noticing that the Petitioner was not consistently attending office despite directions issued by the Employer, disposed of the Original Application while directing the Respondents to release the salary for the period during which the Petitioner had actually discharged his duties.

7. Aggrieved by the aforesaid Impugned Order, the present Petition has been preferred.

8. As it has already been noted hereinabove, it is borne out from the Counter-affidavit filed by Respondent Nos.2 to 5 that the aforesaid prolonged absence of the Petitioner was from 27.09.2019 to 06.02.2020, i.e., prior to the declaration of the nationwide lockdown on account of COVID-19.

9. Heard learned counsel for the parties and perused the paperbook with their assistance.

10. Learned counsel appearing for the Petitioner contends that the Petitioner's name was wrongly included in the duty roster despite the Office Memorandum dated 27.03.2020 issued by the Department of Personnel and Training ('DoPT'). It is submitted that PwDs, who were required to attend to the essential services, were exempted from being included in duty rosters during the COVID-19 pandemic. Reliance is also placed upon subsequent Office Memoranda dated 18.05.2020 and 19.05.2020 in support of the said submission.

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11. This Court has considered the submissions advanced on behalf of the Petitioner.

12. It is an admitted position that the Petitioner was serving as AO (Group B) under Respondent No.2. Before start of the COVID-19, the Petitioner absented from his office. During the COVID-19 period, the Petitioner submitted representations seeking exemption from physical attendance which was declined and the Petitioner was called upon to start attending his office.

13. As per the stand taken by the Respondents, salary for the period during which the Petitioner actually worked has already been released in terms of the Impugned Order. It is further stated that the instructions issued by the DoPT were advisory in nature, leaving it to the Employer to assess its own functional requirements. Additionally, the Petitioner had remained continuously absent from office for 133 days at a time when the COVID-19 pandemic had not yet spread. The record further reflects that he failed to resume his duties despite repeated directions issued by his Employer. Even after the COVID-19 came to an end, the Petitioner continued to abstain from attending his office.

14. In view of the aforesaid facts, this Court is of the considered opinion that no ground is made out for interference with the Impugned Order in exercise of the extraordinary jurisdiction under Article 226 of the Constitution of India. The Tribunal has already granted the limited relief to which the Petitioner was entitled, namely, payment of salary for the period actually worked.



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15. The present Petition is, accordingly, dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 27, 2026/jai/shah

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