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

+ **W.P.(C) 10475/2018**

CENTRAL COUNCIL FOR RESEARCH IN UNANI MEDICINE

.....Petitioner

Through: Mr. S. Sunil and Mr. Moksh Arora,
Advs.

versus

DR. MOHD. FAZIL AND ANR.

.....Respondents

Through: Mr. Rahul Kumar, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE VINOD KUMAR

ORDER

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04.05.2026

1. Mr. Rahul Kumar, learned counsel for the respondent at the outset pointed out that the issue involved in the present writ petition is covered against the petitioner council by a decision of this Court in the case of Writ Petition No.1691/2024 titled as **Union of India through Secretary and Another v. Late Dr. Nusrat Hameed Khan through LRs Mrs Zeenat Hameed Khan and Ors.**, NC: 2024:DHC:877-DB on 06.02.2024.
2. Learned counsel for the petitioner at this stage submitted that against the aforesaid judgment of the Delhi High Court, the Union of India has preferred an SLP (Diary No. 59188/2024), wherein Hon'ble the Supreme Court, while issuing notices has stayed the execution of the impugned order.
3. Having heard learned counsel and with this contest, we dispose of the present writ petition in light of the above judgment dated 06.02.2024 of this



Court. The relevant paragraphs of the said judgment are reproduced hereinafter:-

“7. In the present case, all the respondents were appointed in 1996 against vacancies which were duly advertised in March 1996. Though these appointments were made on ad hoc basis at that stage, the respondents have continued in service throughout and have been regularised on the same post w.e.f 03.02.2004. Once the respondents have been regularised against the same posts, which were advertised in the year 1996 when they were appointed on ad hoc basis, we see no reason to differ with the view taken by the Punjab and Haryana High Court in Harbans Lal (supra) that this service must be counted for the purpose of considering their eligibility for old pension scheme.

8. Furthermore, it is noteworthy that this exercise of regularization was carried out barely one month after the new pension scheme came into effect. Learned counsel for the petitioners has not been able to deny that the posts against which the respondents were regularised were identified much earlier and therefore, even if we were to ignore the ad hoc services of the respondents, it is evident that the posts against which they have been regularised stood identified much before 01.01.2004. We are, therefore, of the considered view that the learned Tribunal was justified in holding that the case of the respondents was squarely covered under the DoPT's O.M. dated 03.03.2023, as per



which, persons appointed against posts which are advertised or notified prior to 01.01.2004 were eligible for grant of benefits under the old pension scheme.

9. For the aforesaid reasons, we find no reason to interfere with the impugned order. The writ petition, being meritless is, dismissed along with all pending applications.

10. The petitioners, as prayed for, are granted eight weeks time to implement the impugned order.”

4. However, considering that Hon’ble the Supreme Court is seized of the matter, as noted in para No.2 above, we dismiss the present writ petition in terms of the above referred judgment dated 06.02.2024. We however make it clear that our order shall become operative only after Hon’ble the Supreme Court decides the above referred SLP finally. In other words, the fate of the SLP, against the above referred judgment dated 06.02.2024 of Delhi High Court, shall *mutatis mutandis* apply to the parties, without any SLP/appeal filed against the instant order.

DINESH MEHTA, J

VINOD KUMAR, J

MAY 4, 2026/dd