

IN THE HON'BLE HIGH COURT OF DELHI, DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)

W.P (C) NO.: _____ OF 2024

IN THE MATTER OF:

XXXXXXXXXX

...PETITIONER

VERSUS

YYYYYYY

...RESPONDENT

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PETITIONER

THROUGH COUNSEL

DATED : __/01/2024

PLACE : NEW DELHI

Firdouse Qutb Wani

ADVOCATE FOR THE PETITIONER

Advocate – On - Record, Supreme Court

LGF, E - 102, Kalkaji, New Delhi - 110019

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IN THE HON'BLE HIGH COURT OF DELHI, DELHI

(EXTRAORDINARY CIVIL WRIT JURISDICTION)

W.P (C) NO.: _____ OF 2024

IN THE MATTER OF:

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URGENT APPLICATION

To,

The Deputy Registrar,
Hon'ble Delhi High Court,
New Delhi

Sir,

Will you kindly treat this accompanying Petition as an urgent one in accordance with the High Court Rules and Orders.

Yours Faithfully,

DATED : __/01/2024

PLACE : NEW DELHI

Firdouse Qutb Wani

ADVOCATE FOR THE PETITIONER

ADDL. STANDING COUNSEL, DSIIDC

Advocate – On - Record, Supreme Court

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NOTICE OF MOTION

Sir,

Kindly take notice that the accompanying Petition under Article 226/277 of the Constitution of India has been instituted by the Petitioner, and the same is likely to be listed on __/01/2024 or soon thereafter.

Thanking you,

Yours faithfully,

THROUGH COUNSEL

DATED : __/01/2024

PLACE : NEW DELHI

Firdouse Qutb Wani

ADVOCATE FOR THE PETITIONER

ADDL. STANDING COUNSEL, DSIIDC

Advocate – On - Record, Supreme Court

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CERTIFICATE

I, Firdouse Qutb Wani (Advocate) for the Petitioner, do hereby certify that no petition seeking such similar relief has been filed by myself on behalf of the Petitioner, before the Hon'ble Supreme Court or before this Hon'ble Court and/or before any other High Court anywhere in India, and all proceedings initiated by the Petitioner have been duly disclosed in the instant Petition.

I further Certify that no additional document has been placed before this Hon'ble Court, which was not part of the record before the Hon'ble Central Administrative Tribunal and all relevant documents have been filed. However, the entire record of the Hon'ble Central Administrative Tribunal could not be filed for paucity of time and an appropriate application has been moved seeking exemption from filing of the same at this stage.

DATED : __/01/2024

PLACE : NEW DELHI

Firdouse Qutb Wani

ADVOCATE FOR THE PETITIONER

ADDL. STANDING COUNSEL, DSIIDC

Advocate – On - Record, Supreme Court

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IN THE HON'BLE HIGH COURT OF DELHI, DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)

W.P (C) NO.: _____ OF 2024

IN THE MATTER OF:

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE

DEVELOPMENT CORPORATION

...PETITIONER

VERSUS

VANDANA MANCHANDA

...RESPONDENT

COURT FEES

**IN THE HON'BLE HIGH COURT OF DELHI, DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)**

W.P (C) NO.: _____ OF 2024

IN THE MATTER OF:

XXXXXXXXXX

...PETITIONER

VERSUS

YYYYYYY

...RESPONDENT

MEMO OF PARTIES

**DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION,**

THROUGH ITS MANAGING DIRECTOR,

N – 36, BOMBAY LIFE BUILDING,

CONNAUGHT CIRCUS,

NEW DELHI – 110001

...PETITIONER

Versus

VANDANA MANCHANDA,

W/O: MR. RAJ KUMAR MANCHANDA,

AGED ABOUT 46 YEARS, R/O: 17/45,

SECOND FLOOR, NEAR ROSE GARDEN,

SUBHASH NAGAR, DELHI – 110027

...RESPONDENT

PETITIONER

THROUGH COUNSEL

DATED : __/01/2024

PLACE : NEW DELHI

Firdouse Qutb Wani

ADVOCATE FOR THE PETITIONER

ADDL. STANDING COUNSEL, DSIIDC

Advocate – On - Record, Supreme Court

LGF, E - 102, Kalkaji, New Delhi - 110019

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IN THE HON'BLE HIGH COURT OF DELHI, DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)

W.P (C) NO.: _____ OF 2024

IN THE MATTER OF:

Xxxxxxxxxx

...PETITIONER

VERSUS

YYYYYYY

...RESPONDENT

BRIEF SYNOPSIS

The present Writ Petition is being filed on behalf of Delhi State Industrial and Infrastructure Development Corporation (*herein after referred as “DSI IDC” / “Petitioner”*) under Article 226/227 of the Constitution of India, seeking a writ, order or direction in the nature of Certiorari for quashing and setting aside the illegal and arbitrary order/decision dated 02/06/2023, passed by Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 407 of 2021 (*hereinafter referred to as the “Impugned Order”*), whereby order dated 31/12/2020, passed by the DSI IDC, came to be quashed and set aside and DSI IDC has been directed to grant the Respondent herein temporary status as Junior Stenographer by fixing Respondent's pay at the initial pay scale i.e. Rs. 5200-20200. It was further directed that the Respondent be paid wages with reference to O.M dated 20/01/2017 and 04/09/2019 irrespective of the availability of regular vacancy corresponding to a regular employee in Group ‘C’ including DA, HRA and CCA. The facts of the case, in a nutshell, are such that Petitioner had engaged Respondent as Stenographer through a private placement agency on contract in the year 1995. Later on, the said Respondent was taken on a direct contractual basis on contract in the year 2008

against non-sanctioned post. Over the period, Petitioner used to extend Respondent's engagement by issuing extension orders solely on a contractual basis.

Despite being aware of the nature of engagement, Respondent without any entitlement or any inherent right to do so sought regularization of employment with the Petitioner, merely based on the length of engagement. For the said purpose, Respondents also filed a case bearing OA No. 1001 of 2020 titled "***Vandana Manchanda. v. DSIIDC***" before the Central Administrative Tribunal, Principal Bench, New Delhi seeking regularization at the posts on which Respondents had been working with Petitioner, which was disposed by Ld. Tribunal with a direction to the Petitioner to consider the representation of the Respondent.

In response, Petitioner by way of the speaking order dated 31/12/2020 stated that there is no merit in the application/representation for regularization of the Respondent as the Respondent does not fulfil the parameters for regularization with Petitioner.

Despite passing a well-reasoned and speaking order dated 31/12/2020, upon challenge, Hon'ble. Tribunal erroneously and without application of mind, quashed and set aside the order dated 31/12/2020 and directed the Petitioner to grant the Respondent temporary status as junior Stenographer by fixing her pay at the pay scale i.e. Rs.5200-20200. It was further directed that the wages with reference to OM dated 20/01/2017 and 04/09/2019 irrespective of the availability of regular vacancy corresponding to a regular employee in Group 'C' including DA, HRA and CCA.

It is relevant to mention that despite the fact that the rule of equal pay for equal work can be invoked only where there are sanctioned posts but as the Respondent has been working on a non-sanctioned

post, said rule does not apply to her, Hon'ble CAT, P.B, New Delhi passed the impugned order dated 02/06/2023.

Aggrieved by the Impugned Order, Petitioners have filed the present writ petition.

LIST OF DATES

DATE	PARTICULARS
1995	Respondent was appointed by the Petitioner purely on temporary and contractual basis through a private placement agency as a Stenographer.
2008	Respondent was taken on direct contractual basis. Over the period, Petitioner used to extend Respondent's engagement by issuing extension orders solely on contractual basis.
04/08/2020	Respondent, without any entitlement or any inherent right to do so, sought regularization of employment with DSIIDC, merely based on the length of engagement. Respondent filed a case bearing OA No. 1001 of 2020 titled as " <i>Vandana Manchanda. v. DSIIDC</i> " before the Central Administrative Tribunal, Principal Bench, New Delhi seeking regularization at the posts on which Respondent had been working with Petitioner, which was disposed by Ld. Tribunal with a direction to the Petitioner to consider the representation of the Respondent.
24/08/2020	Central Administrative took the OA No. 1001 of 2020 for hearing along with another similar matter OA No. 11032 of 2020, and disposed of both the

	Original Applications by directing the Petitioner to pass an order on the representation submitted by the Respondent and other Applicants.
30/11/2020	Respondent without any basis, filed a contempt petition bearing CP No. 240 of 2020 in OA No. 1001 of 2020, for non-compliance of directions of Central Administrative Tribunal passed in order dated 24/08/2020.
31/12/2020	During the pendency of the contempt proceedings, Petitioner passed a well-reasoned and speaking order upon considering the representations made by Respondents to Petitioner. Petitioner by way of the speaking order dated 31/12/2020 stated that there is no merit in the representation for regularization of the Respondents as the Respondent does not fulfill the parameters for regularization with Petitioner.
11/01/2021	Pursuant to passing of well-reasoned and speaking order by Petitioner, contempt proceedings were closed.
30/01/2021	Respondent challenged the order dated 31/12/2020 and filed O.A. No. 407 of 2021 before the Central Administrative Tribunal. That other applicants who had been working on contract basis as MTS also preferred challenge to order dated 31/12/2020 and filed O.A. No. 408 of 2021.
25/08/2021	Petitioner, in response to the aforesaid OA No. 407 of 2021 filed a counter-affidavit, denying all the averments, contentions and allegations made

	by Respondent. Respondent reiterated and relied upon the contents of the speaking and reasoned order dated 31/12/2020.
02/06/2023	Hon'ble. Tribunal erroneously and without application of mind, quashed and set aside the order dated 31/12/2020, and directed the Petitioner to grant the Respondent temporary status as junior Stenographer by fixing her pay at the pay scale i.e. Rs.5200-20200. It was further directed that the wages with reference to OM dated 20/01/2017 and 04/09/2019 irrespective of availability of regular vacancy corresponding to a regular employee in Group 'C' including DA, HRA and CCA.
06/07/2023	The Hon'ble Tribunal, drawing upon the precedent set by the order dated 02/06/2023 in O.A. No. 407 of 2021, issued a comparable ruling in O.A. No. 408 of 2021. This decision stemmed from the fact that the challenge presented in O.A. No. 408 of 2021 pertained to the order dated 31/12/2020, which had been contested in O.A. No. 407 of 2021.
09/01/2024	Petitioner herein challenged order dated 06/07/2023 in O.A. No. 408 of 2021, and same came to be dismissed by this Hon'ble High Court.
___/01/2024	Aggrieved by the Impugned Order, the present petition is filed.

PETITIONER

(DSIIDC)

THROUGH COUNSEL

DATED : __/01/2024

PLACE : NEW DELHI

Firdouse Qutb Wani

ADVOCATE FOR THE PETITIONER

ADDL. STANDING COUNSEL, DSIIDC

Advocate – On - Record, Supreme Court

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W.P (C) NO.: _____ OF 2024

IN THE MATTER OF:

Xxxxxxxxxx

...PETITIONER

VERSUS

YYYYYYY

...RESPONDENT

**CIVIL WRIT PETITION UNDER ARTICLE 226/227 OF
THE CONSTITUTION OF INDIA PRAYING FOR
QUASHING AND SETTING ASIDE THE ORDER DATED
02/06/2023 PASSED BY THE HON'BLE CENTRAL
ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI IN O.A. NO. 407 OF 2021**

MOST RESPECTFULLY SHOWETH:

1. The Instant Writ Petition is being preferred by and on behalf of Delhi State Industrial and Infrastructure Development Corporation (*hereinafter referred as “DSI IDC”/ “Petitioner”*) under Article 226/227 of the Constitution of India, seeking a writ, order or direction in the nature of Certiorari for quashing and setting aside the illegal and arbitrary order/decision dated 02/06/2023 passed by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in **O.A. No. 407 of 2021, titled as Vandana Manchanda Vs. DSI IDC** (*hereinafter referred to as the “Impugned Order”*), vide which, the speaking and reasonable order dated December 31, 2020 of Petitioner, was

quashed and set aside. Simultaneously, by way of the Impugned Order, Petitioner was further directed to grant the Respondent temporary status as junior Stenographer by fixing her pay at the pay scale i.e. Rs.5200-20200. It was also directed that the wages with reference to OM dated 20.01.2017 and 04.09.2019 irrespective of availability of regular vacancy corresponding to a regular employee in Group 'C' including DA, HRA and CCA be given to the Respondent.

Certified copy of the Impugned Order dated 02/06/2023 passed by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 407 of 2021, titled as Vandana Manchanda Vs. DSIIDC is annexed with the instant Petition for the kind perusal of this Hon'ble Court and is marked as ANNEXURE NO.: P – 1.

2. That the instant Writ Petition is being filed by the Petitioner through Mr. Mahesh Kumar, S/o: Mr. Nand Lal, Divisional Manager, who is the authorized representative of the Appellant Corporation, authorized vide Board Resolution dated 31/03/2015.
3. That the Petitioner humbly submits that the findings given in the Impugned Judgment/order allowing the O.A preferred by the Respondent herein is *per incuriam* and contrary to the established law of the land.
4. The Petitioner is Delhi State Industrial and Infrastructure Development Corporation (*hereinafter referred to as "DSIIDC"*), which was set up in 1971. DSIIDC is responsible for overall infrastructure development of the state. DSIIDC is also responsible for producing infrastructure development for industrial workers and unauthorized colonies and managing the industrial areas that fall under the PPP (Public-Private Partnership) model.

5. Respondent is a stenographer, who was appointed by the Petitioner purely on temporary and contractual basis through a private placement agency in year 1995. Respondents' engagement with DSIIDC was not based on any open examination or open advertisement. Further, the engagement was not made against any sanctioned post. Since year 2008, Respondent is on direct contractual basis with the Petitioner.
6. **FACTS LEADING TO THE INSTITUTION OF THE PRESENT APPEAL ARE MENTIONED HEREUNDER FOR THE KIND PERUSAL OF THIS HON'BLE COURT:**

- a) Respondent in the present petition had joined the Petitioner as a Stenographer" through private placement agency on contract basis in year 1995. Later in the year 2008, the Respondent was taken on direct contractual basis by the DSIIDC. Petitioner from time to time issued extension orders in favour of the Petitioner extending the period of service solely on contractual basis.

Copies of orders showing the appointment of Respondents on contractual basis and copy of extension order issued by Petitioner are annexed with the instant Petition for the kind perusal of this Hon'ble Court and are marked as ANNEXURE NO.: P – 2 (COLLY) and ANNEXURE NO.: P – 3.

- b) Despite knowing the nature and scope of their engagement, Respondent without any entitlement or any inherent right to do so, sought regularization of her employment with DSIIDC merely based on the length of engagement. Respondents filed a case bearing OA No. 1001 of 2020 titled "*Vandana Manchand. Vs. DSIIDC*" before the Central Administrative Tribunal, Principal Bench, New Delhi for seeking regularization

at the post on which Respondent had been working with DSIIDC. Relief sought by the Respondents in OA No. 1001 of 2020 are set out herein below for ready reference:

“.... For the facts and circumstances stated in above, it is most respectfully prayed that their lordship of this Tribunal would be pleased: -

- a. To direct the Respondents to formulate a policy to regularize the Applicants services of the "Applicants by considering the judgments of the Hon'ble Supreme Court and Hon'ble High Court and further by considering the decisions of the other States who have regularized the services of the contractual employees and not to terminate the services of the Applicants till policy is formulated;*
- b. issue an order/direction to the Respondent to grant the Applicants regularization of service on the post of Junior Stenographer from the date of their initial appointment as direct contractual appointees and all consequential benefits thereof;*
- c. to grant full pay scale along with other emoluments like HRA, DA, TA, leave (EL & CL), Maternity Benefits, as entitled to her;*
- d. direct the Respondents to grant all consequential benefits and arrears @12% after regularization of services of the Applicant from the date of her initial joining;*
- e. to direct the Respondents to grant one-time age relaxation if required for regularization;*
- f. to protect the services of the applicant till the age of retirement;*
- g. to allow the original application with the cost of the litigation;*
- h. grant all consequential benefit to the Applicant which she is entitled in law and pass such other or further order(s) as may be deemed fit and proper in the facts and circumstances of the present case.”*

Copy of the petition bearing OA No. 1001 of 2020 titled “Vandana Manchanda. vs. DSIIDC” is annexed with

the instant Petition for the kind perusal of this Hon'ble Court and is marked as ANNEXURE NO.: P – 4.

- c) In addition to the aforementioned Original Application, it is submitted that there was another OA No. 1032 of 2020 titled as Vandana Manchanda Vs Delhi State Industrial And Infrastructure Development Corp. Ltd, wherein same reliefs as sought by the Respondent in OA No. 1001 of 2020, were sought by the Applicants who were on contractual basis at the position of MTS with the DSIIDC.
- d) It is further submitted that OA No. 1001 of 2020 came up for hearing on August 24, 2020 and along with OA No. 1032 of 2020, and the Hon'ble Central Administrative Tribunal disposed of both the Original Application directing the Petitioner to pass an order on the representation submitted by the Respondents.

Copy of common order dated 24/08/2020 passed in OA No. 1001 of 2020 and OA No. 1032 of 2020 annexed with the instant Petition for the kind perusal of this Hon'ble Court and is marked as ANNEXURE NO.: P – 5.

The relevant extract of the order is reproduced herein for the convenience of this Hon'ble Court.

“... We, therefore, dispose of the OAs directing the respondents to pass orders on the representations submitted by the applicants within a period of two months from the date of receipt of a copy of this order. We make it clear that if the applicants so choose, they can supplement their representations by fresh material. ...”

- e) That unfortunately, due to the onset of pandemic COVID-19 worldwide, Petitioner could not pass a reasoned and speaking order in time, pursuant to which, Respondents without any basis, filed a contempt petition bearing CP No. 240 of 2020 in OA No. 1001 of 2020, for non-compliance of directions of the Hon'ble Central

Administrative Tribunal passed in order dated 24/08/2020.

- f) It is relevant to note that during the pendency of the contempt proceedings, Petitioner passed a well-reasoned and speaking order dated December 31, 2020 upon considering the representations made by Respondents to Petitioner. Pursuant thereto, the contempt proceedings were closed by the Hon'ble Central Administrative Tribunal, by way of order dated January 11, 2021.

Copy of order dated 11/01/2021 is annexed with the instant Petition for the kind perusal of this Hon'ble Court and is marked as ANNEXURE NO.: P – 6.

- g) The Petitioner Upon careful examination of the Respondent's representation, in the thorough comprehensive order dated 31/12/2020, asserted that the applications/representations for the regularization of the Respondents lacked merit. The Petitioner contended that Respondent does not fulfill the stipulated parameters for regularization. The reasons elucidated by the Petitioner in the aforementioned order on 31/12/2020, are detailed below:

It is pertinent to note here that their contractual appointment was not based on any open examination or open advertisement. Further, the said appointment was not made against any sanctioned posts.

Regularization of contractual employees has been examined by Hon'ble Supreme Court in the case of Secretary, State of Karnataka Vs.

Uma Devi & Ors. which vide order dated 10.04.2006 held that

“... it was directed that any public appointment has to be in terms of the Constitutional Scheme. However, the Supreme Court in para 44 of the aforesaid judgement directed that the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one-time measure the services of such irregularly appointed, who are duly qualified persons in terms of the statutory recruitment rules for the post and who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or tribunals. The Apex Court has clarified that if such appointment itself is in infraction of the rules or if it is in violation of the provisions of the Constitution, illegality cannot be regularized.

None of the applicants fulfil these parameters.

On the basis of the same, the DOPT has issued OM No.49014/7 /2020-Estt. (C) dated 7th October 2020 wherein it has been clearly spelt out that regularization may be carried for contractual employees who fulfilled the following conditions:

- i. The employee concerned should have worked for 10 years or more in duly sanctioned post without the benefit or protection of the interim order of any court or tribunal. In other words, the State*

Government or its instrumentality should have employed the employee and continued him in service voluntarily and continuously for more than ten years.

ii. The appointment of such employee should not be illegal, even if irregular. Where the appointments are not made or continued against sanctioned posts or where the persons appointed do not possess the prescribed minimum qualifications, the appointments will be considered to be illegal. But where the person employed possessed the prescribed qualifications and was working against sanctioned posts, but had been selected without undergoing the process of open competitive selection, such appointments are considered to be irregular.

iii. The employees who were entitled to be considered in terms of Para 53 of the decision in Umadevi, will not lose their right to be considered for regularization, merely because the one-time exercise was completed without considering their cases, or because the six month period mentioned in para 44 of Umadevi has expired. The one-time exercise should consider all daily-wage/ adhoc/ those employees who had put in 10 years of continuous service as on 10.4.2006

without availing the protection of any interim orders of courts or tribunals. If any employer had held the one-time exercise in terms of para 44 of Umadevi, but did not consider the cases of some employees who were entitled to the benefit of para 44 of Umadevi, the employer concerned should consider their cases also, as a continuation of the one-time exercise. The one time exercise will be concluded only when all the employees who are entitled to be considered in terms of para 44 of Umadevi, are so considered.

Further, it is observed that the aforesaid relaxation / order in view of the judgement of Supreme Court was applicable to contractual employees engaged prior to 10/04/2006.

In the present matter, it is evident that the applicants were engaged on the rolls of DSIIDC on contract on 14/05/2009 which is inconsistent to the cut-off date for regularization under the aforesaid Supreme Court Order.

In view of the afore mentioned facts, it is amply clear that there is no merit in the applications / representations for regularization of the applicants in the O.A. Accordingly, their representation is disposed of

Copy of speaking and reasoned order dated 31/12/2020, issued by Petitioner is annexed with the instant Petition for the kind perusal of this Hon'ble Court and is marked as ANNEXURE NO.: P – 7.

- e. In accordance with the speaking order, the Petitioner dismissed the representation submitted by the Respondent. This decision was reached after a thorough consideration of the facts, circumstances, and careful application of judgment.
- f. That aggrieved by the order dated 31.12.2020, Respondent preferred O.A. No. 407 of 2021, before the Hon'ble Central Administrative Tribunal, seeking following reliefs:

".... (a) Quash impugned order dated 31.12.2020;
(b) To grant minimum of pay scale of applicants including the allowances and benefits.
(c) issue an order/direction to the Respondents to grant the Applicants regularization of service on the post of MTS from the date of their initial appointment and all consequential benefits thereof along with other emoluments like HRA, DA, TA, leave (EL & CL), Maternity Benefits, as entitled to them.
(d) direct the Respondents to grant all consequential benefits and arrears @12% after regularization of services of the Applicants from the date of their initial joining.
(e) to direct the Respondents to grant one-time age relaxation if required for regularization.
(f) to protect the services of the applicants till the age of retirement.
(g) to allow the original application with the cost of the litigation.
(h) grant all consequential benefit to the Applicants which they are entitled in law and pass such other or further order(s) as may be deemed fit and proper in light of the circumstances of the present case."

That other applicants who had been working on contract basis as MTS also preferred challenge to order dated 31.12.2020 and filed O.A. No. 408 of 2021.

Copy of the Original Application bearing OA No. 407 of 2021 is annexed with the instant Petition for the kind perusal of this Hon'ble Court and is marked as ANNEXURE No.: P – 8.

- g. Petitioner, in response to the aforesaid OA No. 407 of 2021 filed a counter-affidavit, denying all the averments,

contentions and allegations made by Respondent. Petitioner reiterated and relied upon the contents of the speaking and reasoned order dated 31/12/2020.

Copy of the counter-affidavit filed in OA No. 407 of 2021 by the Petitioner herein is annexed with the instant Petition for the kind perusal of this Hon'ble Court and is marked as ANNEXURE NO.: P – 9.

- h. That the Hon'ble Central Administrative Tribunal, arbitrarily and without application of mind, quashed and set aside the order dated 31/12/2020 and directed the Petitioner to grant the Respondent temporary status as junior Stenographer by fixing her pay at the pay scale i.e. Rs.5200-20200. It was also directed that the wages with reference to OM dated 20.01.2017 and 04/09/2019 irrespective of availability of regular vacancy corresponding to a regular employee in Group 'C' including DA, HRA and CCA be given to Respondent.
- i. The Hon'ble Tribunal, drawing upon the precedent set by the order dated 02/06/23 in O.A. No. 407 of 2021, issued a comparable ruling in O.A. No. 408 of 2021 dated 06/07/2023. This decision stemmed from the fact that the challenge presented in O.A. No. 408 of 2021 pertained to the order dated 31.12.2020, which had been contested in O.A. No. 407 of 2021. That the Petitioner preferred Challenge to order dated 6/07/2023, passed by the Hon'ble Tribunal in O.A. No. 408 of 2021 and the same stands dismissed by this Hon'ble High Court.
- j. It is relevant to mention that the Hon'ble Central Administrative Tribunal failed to consider that the post against which the Respondent has been working with the DSIIDC on contractual basis is not a sanctioned post,

hence the relief as sought by the Respondent could not have been granted to the Respondent herein.

That being aggrieved by Impugned Order dated 18/03/2023, passed by the Ld. Trial Court, the Appellants have preferred the present Appeal, on the following amongst other Grounds.

7. **GROUND:**

- A. **FOR THAT** the Impugned Order has been passed by the Hon'ble Central Administrative Tribunal, without due application of mind and is liable to be set aside.
- B. **FOR THAT** impugned order is bad in law and facts of case and thus, liable to be set aside by this Hon'ble Court.
- C. **FOR THAT** the impugned order is contrary to the law laid down by this Hon'ble Court and Apex Court by means of a catena of judgments and thus, liable to be set aside.
- D. **FOR THAT** the Hon'ble Central Administrative Tribunal has erroneously set aside a well-reasoned and speaking order dated 31/12/2023 which was passed by Petitioner upon considering all the representation in terms of the settled law.
- E. **FOR THAT** the Hon'ble Central Administrative Tribunal failed to appreciate that Respondent was engaged on temporary/contract basis. It is further relevant to note that by way of extension orders the engagement has been extended by the DSIIDC on Contractual basis only. Hon'ble Central Administrative Tribunal also failed to observe that contractual employees being temporarily engaged cannot seek

parity with regular employees who were engaged as per prescribed procedure.

- F. **FOR THAT** the Hon'ble Central Administrative Tribunal failed to appreciate that Respondent was further aware that her engagement was not based on a proper selection procedure as recognized by the relevant rules or procedure made applicable by Petitioner.
- G. **FOR THAT** the Hon'ble Central Administrative Tribunal failed to observe that Respondent engaged on a contractual basis do not have any vested right to seek regularization and/or seek parity with regular employees.
- H. **FOR THAT** the Hon'ble Central Administrative Tribunal failed to appreciate that contractual employees cannot claim any right to regularization or absorption of service even if she had continued on ad-hoc basis for decades. It is further submitted that this Hon'ble Court itself by way of its judgment in ***Desh Deepak Srivastava v. Delhi High Court & Anr. [W.P.(C) No. 9570 of 2015]*** had observed that contractual employees cannot claim any right to regularisation or absorption of service if continued on ad-hoc basis for decades.
- I. **FOR THAT** the Impugned Order passed by Hon'ble Central Administrative Tribunal is in contravention to the judgement passed by the Apex Court titled ***Secretary State of Karnataka v. Uma Devi & Ors.*** wherein it has been held that an appointment to a post in government service or in the service of its instrumentalities, can only be by way of a proper selection in the manner

recognized by the relevant legislation in the context of the relevant provisions of the Constitution.

- J. FOR THAT** the Impugned Order passed by Hon'ble Central Administrative Tribunal is in contravention to the judgement passed by the Apex Court titled *Secretary State of Karnataka v. Uma Devi & Ors.* wherein it has been held that those who have been employed temporarily or on contractual basis have no fundamental right to claim that they have a right to be absorbed in service. Hon'ble Tribunal failed to consider that as per the referred judgement it has been held that a person, who accepts an engagement which is either temporary or casual in nature, is aware of the nature of his employment and also the remuneration to be paid to him. Such persons form a class by themselves and cannot claim parity with those who have been regularly recruited on the basis of the relevant rules.
- K. FOR THAT** the Hon'ble Central Administrative Tribunal further erred in applying the principles laid down in *Uma Devi (Supra)*, wherein it was observed that the Uma Devi judgment shall apply to contractual employees engaged prior to April 10, 2006. Unlike the present case, the Respondents had been engaged by Petitioner on direct contract basis in year 2008. For this reason only, the Impugned Order deserves to be set aside.
- L. FOR THAT** the Hon'ble Central Administrative Tribunal failed to appreciate that the rule of equal pay equal work only applies where there are sanctioned posts but since the Respondents had been working on

non-sanctioned posts, the said rule would not be applicable.

- M. FOR THAT** Hon'ble Central Administrative Tribunal failed to consider that at no point of time the Respondent was ever assured or promised of regularisation by the Petitioner, and, thus, question of any such understanding does not arise. Respondents cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper stipulated procedure for selection as also laid down by the Hon'ble Supreme Court in the case of *Uma Devi (Supra)*.
- N. FOR THAT** the Hon'ble Central Administrative Tribunal has misinterpreted the judgments passed by the Apex Court in (a) *State of Madhya Pradesh & Ors. v. Ramesh Chandra Bajpai [(2009) 13 SCC 635]*; (b) *State of Madhya Pradesh through Principal Secretary & Ors. v. Seema Sharma*. It is relevant to submit that the Hon'ble Apex Court in the said judgments clearly upheld the view that the doctrine of equal pay for equal work could only be invoked when the employees were similarly circumstanced in every way. Mere similarity of designation or similarity or quantum of work was not determinative of equality in the matter of pay scales.
- O. FOR THAT** Hon'ble Central Administrative Tribunal failed to consider that it is evident from the present case, Hon'ble Central Administrative Tribunal failed to note that the Respondent was simply engaged on contractual basis and not engaged on a consolidated salary and not through any government recruitment agency like

DSSSB under prescribed Recruitment Rules against sanctioned posts, hence not entitled to relief as sought by her.

P. BECAUSE the Hon'ble Central Administrative Tribunal failed to observe that no promise and/or any agreement made by the Petitioner to Respondent that she would be continued as employees and/or made permanent with Petitioner Corporation. Hon'ble Central Administrative Tribunal also failed to understand that the engagement was solely contractual, and therefore, any remuneration made out to a permanent employee of Petitioner cannot be extended to Respondent just because of the length of their engagement with Petitioner.

Q. FOR THAT the Hon'ble Central Administrative Tribunal failed to consider that any public employment has to be made in terms of the constitutional scheme. Central and State Governments have made Acts, rules and regulations for implementing the guarantees provided under Articles 14, 16, 309, 315, 320 and 335 and any recruitment to service in the Union, States or their instrumentalities is governed by such Acts and regulations. It is submitted that the entire process of rules and recruitment for services is controlled by detailed procedures which specify necessary qualifications, mode of appointment, etc. It is further relevant to note that the Constitution does not envisage any employment outside this constitutional scheme and without following the requirements set down therein.

8. The Petitioner craves leave of, this Hon'ble Court to raise such other grounds of challenge as may be available to it at the time of hearing.
9. The Petitioner humbly submits that no other Writ challenging the aforesaid Impugned Judgment has been filed by it before this Hon'ble Court or any other Court.
10. That the Petitioner has made out a *prima facie* case while challenging the impugned Order and Judgment dated 02/06/2023, and if the instant Writ is not allowed, grave injustice and irreparable injury shall be irretrievably caused to the Appellant.
11. That the balance of convenience is also in favour of the Appellant.

PRAYER

In view of the above mentioned facts and circumstances, it is most humbly prayed that this Hon'ble Court may graciously be pleased to:

- a) To admit the instant Writ and set aside the Impugned Judgement/order dated 02/06/2023, passed by the Hon'ble Central Administrative Tribunal in O.A. No. 407 of 2021, titled as "Vandana Manchanda vs. DSIIDC";
- b) To grant *ex parte ad interim* stay on the operation of the impugned Judgment dated 02/06/2023 passed by Hon'ble Central Administrative Tribunal in O.A. No. 407 of 2021 during the pendency of the instant Writ; and,
- c) To pass any other further order(s), which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

**PETITIONER
(DSIIDC)**

THROUGH COUNSEL

DATED : __/01/2024

PLACE : NEW DELHI

Firdouse Qutb Wani

ADVOCATE FOR THE PETITIONER

ADDL. STANDING COUNSEL, DSIIDC

Advocate – On - Record, Supreme Court

LGF, E - 102, Kalkaji, New Delhi - 110019

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E – mail : firdousewani.lawz@gmail.com

IN THE HON'BLE HIGH COURT OF DELHI, DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)

W.P (C) NO.: _____ OF 2024

IN THE MATTER OF:

Xxxxxxxxxx

...PETITIONER

VERSUS

YYYYYYY

...RESPONDENT

AFFIDAVIT

I, Mahesh Kumar S/o Mr. Nand Lal, aged about 55 years, working as: Divisional Manager, DSIIDC, having office at Delhi State Industrial & Infrastructure Development Corporation Ltd., N – 36, Bombay Life Building, Connaught Circus, New Delhi – 110001, do hereby solemnly affirm and verify as under: -

1. That I am authorized representative of the Petitioner in the captioned matter and am conversant with the facts of the case and as such I am competent and authorized to swear this affidavit.
2. That I have read and understood the contents of the accompanying Petition preferred by the Petitioner, which are true and correct to the best of my knowledge and belief and as derived from the records of the case available with the Petitioner. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION:

I, the Deponent above-named, do hereby declare and verify on oath that the contents of the affidavit are true and correct to the

best of my knowledge and belief and as derived from the records of the case available with the Petitioner. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi, on this ____ day of January, 2024 .

DEPONENT

IN THE HON'BLE HIGH COURT OF DELHI, DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)

CM APPL. NO.: _____ OF 2024

IN

W.P (C) NO.: _____ OF 2024

IN THE MATTER OF:

XXXXXXXXXX

...PETITIONER

VERSUS

YYYYYYY

...RESPONDENT

APPLICATION UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 FOR STAY OF OPERATION OF THE IMPUGNED ORDER DATED 02/06/2023, PASSED BY THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN O.A. NO. 407 OF 2021 AND CONTEMPT PETITION PROCEEDINGS BEING CP.NO. 788 OF 2023 PENDING BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, PREFERRED BY THE RESPONDENT FOR THE IMPLEMENTATION OF THE IMPUGNED ORDER DATED 02.06.2023.

MOST RESPECTFULLY SHOWETH:

1. The Instant Writ Petition is being preferred by and on behalf of Delhi State Industrial and Infrastructure Development Corporation (*hereinafter referred as “DSIIDC”/ “Petitioner”*) under Article 226/227 of the Constitution of India, seeking a writ, order or direction in the nature of Certiorari for quashing and setting aside the illegal and

arbitrary order/decision dated 2/06/2023 passed by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in **O.A. No. 407 of 2021, titled as Vandana Manchanda vs. DSIIDC** (hereinafter referred to as the "**Impugned Order**"), vide which, the speaking and reasonable order dated December 31, 2020 of Petitioner, was quashed and set aside. Simultaneously, by way of the Impugned Order, Petitioner was further directed to grant the Respondent temporary status as junior Stenographer by fixing her pay at the pay scale i.e. Rs.5200-20200. It was also directed that the wages with reference to OM dated 20.01.2017 and 04.09.2019 irrespective of availability of regular vacancy corresponding to a regular employee in Group 'C' including DA, HRA and CCA be given to the Respondent.

2. It is humbly submitted that the Respondents have initiated contempt proceedings bearing CP No. 788 of 2023 before the Hon'ble Central Administrative Tribunal, New Delhi for non-compliance of judgment dated 02.06.2023, against the Petitioner. It is submitted that if this Hon'ble Court does not stay the operation of the impugned order and the contempt proceedings, being **CP. No. 788 of 2023**, irretrievable harm and grave prejudice shall be caused to the Petitioner.
3. That the Hon'ble Central Administrative Tribunal, has grossly erred in passing the impugned order and the Petitioner herein has objected to the same on numerous grounds in the accompanying Petition, same of which is not being repeated herein for the sake of brevity and precision and the Petitioner craves leave of this Hon'ble Court to refer to and rely upon the same in the accompanying Petition.

4. That the impugned order has been passed without any application of mind and is unsustainable in law and hence liable to be set aside.
5. That since the Petitioner has assailed the order, there is every likelihood that the Petitioner shall succeed in the present Petition as the Petitioner has a strong prima facie case in its favour. By means of the present application, the Petitioner herein requests to this Hon'ble Court that the operation of the Impugned order /Judgment dated 02/06/23 and the Contempt proceedings being be stayed till the disposal of the present Petition.
6. That the Impugned Order passed by Hon'ble Central Administrative Tribunal is in contravention to the judgement passed by the Apex Court titled ***Secretary State of Karnataka v. Uma Devi & Ors*** and various other precedents.
7. It is further most humbly submitted that if this Hon'ble Court does not stay the operation of the Impugned Order, an irretrievable harm and grave prejudice shall be caused to the Petitioner. It is also relevant to note that the said Impugned Order is against the settled principles of law laid down by Hon'ble Supreme Court.
8. It is further submitted that the Petitioner has a prima facie good case in their favour and against the Respondent and there is every likelihood that an order would be passed in favor of the Petitioner.
9. This application is filed bona fide and in the interest of justice.

PRAYER

Therefore, in view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a. Grant An ad-interim order staying the operation of the impugned order/judgement dated 02.06.2023 passed in **O.A. No. 407 of 2021, titled as Vandana Manchanda vs. DSIIDC** by the Hon'ble Central Administrative Tribunal and Contempt petition proceedings being **CP.No. 788 of 2023**, pending before the Hon'ble Central Administrative Tribunal, preferred by the Respondent for the implementation of the impugned order dated 02.06.2023.
- b. An ex-parte interim order in terms of prayer for relief (a) above and to confirm the same after notice the Respondent;
- c. Any other and further order, as this Hon'ble Court may deem fit and proper in the facts of the case.

**FOR THIS ACT OF KINDNESS, THE PETITIONER AS
IN DUTY BOUND SHALL EVER PRAY.**

**PETITIONER
(DSIIDC)**

THROUGH COUNSEL

**DATED : __/01/2024
PLACE : NEW DELHI**

Firdouse Qutb Wani

ADVOCATE FOR THE PETITIONER

ADDL. STANDING COUNSEL, DSIIDC

Advocate – On - Record, Supreme Court

LGF, E - 102, Kalkaji, New Delhi - 110019

Ph: 011-46078302 | Mobile: 09718043116

E – mail : firdousewani.lawz@gmail.com

IN THE HON'BLE HIGH COURT OF DELHI, DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)

CM APPL. NO.: _____ OF 2024

IN

W.P (C) NO.: _____ OF 2024

IN THE MATTER OF:

XXXXXXXXXX

...PETITIONER

VERSUS

YYYYYYY

...RESPONDENT

AFFIDAVIT

I, Mahesh Kumar S/o Mr. Nand Lal, aged about 55 years, working as: Divisional Manager, DSIIDC, having office at Delhi State Industrial & Infrastructure development Corporation Ltd., N-36, Bombay Life Building, Connaught Circus, New Delhi – 110001, do hereby solemnly affirm and verify as under: -

1. That I am authorized representative of the Petitioner in the captioned matter and am conversant with the facts of the case and as such I am competent and authorized to swear this affidavit.
2. That I have read and understood the contents of the accompanying Application preferred by the Petitioner, which are true and correct to the best of my knowledge and belief and as derived from the records of the case available with the Petitioner. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION:

I, the Deponent above-named, do hereby declare and verify on oath that the contents of the affidavit are true and correct to the best of my knowledge and belief and as derived from the records of the case available with the Petitioner. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi, on this ____ day of January, 2024.

DEPONENT

IN THE HON'BLE HIGH COURT OF DELHI, DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)

CM APPL. NO.: _____ OF 2024

IN

W.P (C) NO.: _____ OF 2024

IN THE MATTER OF:

XXXXXXXXXX

...PETITIONER

VERSUS

YYYYYYY

...RESPONDENT

**APPLICATION ON BEHALF OF APPELLANT
UNDER SECTION 151 OF CODE OF CIVIL
PROCEDURE, 1908 SEEKING EXEMPTION FROM
FILING CERTIFIED COPY OF IMPUGNED ORDER
DATED 02/06/2023 PASSED BY HON'BLE CENTRAL
ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI IN O.A. NO. 407 OF 2021, TITLED AS
“VANDANA MANCHANDA VS. DSIIDC”**

MOST RESPECTFULLY SHOWETH:

1. The Instant Writ Petition is being preferred by and on behalf of Delhi State Industrial and Infrastructure Development Corporation (*hereinafter referred as “DSIIDC”/ “Petitioner”*) under Article 226/227 of the Constitution of India, seeking a writ, order or direction in the nature of Certiorari for quashing and setting aside the illegal and arbitrary order/decision dated 2/06/2023 passed by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in **O.A. No. 407 of 2021, titled as Vandana Manchanda vs. DSIIDC** (*hereinafter referred to as the*

“Impugned Order”), vide which, the speaking and reasonable order dated 31/12/2020 of Petitioner, was quashed and set aside. Simultaneously, by way of the Impugned Order, Petitioner was further directed to grant the Respondent temporary status as junior Stenographer by fixing her pay at the pay scale i.e. Rs.5200-20200. It was also directed that the wages with reference to OM dated 20/01/2017 and 04/09/2019 irrespective of availability of regular vacancy corresponding to a regular employee in Group ‘C’ including DA, HRA and CCA be given to the Respondent.

2. The contents of the accompanying petition are not being repeated herein for the sake of brevity and precision and the Petitioner craves leave of this Hon'ble Court to refer and reply upon the contents of the same in support of the present Application.
3. That in view of the urgency of the matter and the dynamically evolving facts of the case, and in light of the nature of the reliefs sought, the accompanying Petition has been filed without annexing the certified copy of the impugned Order, and the Petitioner undertakes to file the same as and when the same are obtained from the concerned authority.
4. That it would be in the interest of justice, that the Petitioners/ Applicants be permitted by this Hon'ble Court to file the true internet copy of the said Impugned Order dated 02/06/2023 passed by Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 407 of 2021, titled as “Vandana Manchanda vs. DSIIDC”, without

filing certified copy before this Hon'ble Court in the present case.

5. That the Petitioners/Applicants undertake to file the certified copy of the said Order in due course of time, or as and when directed by this Hon'ble Court.
6. That the balance of convenience lies in favour of the Petitioners /Applicants.
7. That the present application preferred by the Petitioners/Applicants is made *bona fide* and in the interest of justice, and irreparable loss shall be suffered by the Petitioners/Applicants in case the instant Application is not allowed.

PRAYER

In view of the facts and circumstances as mentioned hereinabove, it is most humbly prayed by Applicant to this Hon'ble Court, that this Hon'ble Court may most graciously be pleased to:

- a) Exempt the Petitioners/Applicants from filing the certified copy of the Impugned Order dated 02/06/2023 passed by Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 407 of 2021, titled as "Vandana Manchanda vs. DSIIDC"; and / or,
- b) Pass such further and/or other order(s) as this Hon'ble High Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

**FOR THIS ACT OF KINDNESS, THE PETITIONER AS
IN DUTY BOUND SHALL EVER PRAY.**

PETITIONER

(DSIIDC)

THROUGH COUNSEL

DATED : __/01/2024

PLACE : NEW DELHI

Firdouse Qutb Wani

ADVOCATE FOR THE PETITIONER

ADDL. STANDING COUNSEL, DSIIDC

Advocate – On - Record, Supreme Court

LGF, E - 102, Kalkaji, New Delhi - 110019

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IN THE HON'BLE HIGH COURT OF DELHI, DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)

CM APPL. NO.: _____ OF 2024

IN

W.P (C) NO.: _____ OF 2024

IN THE MATTER OF:

XXXXXXXXXX

...PETITIONER

VERSUS

YYYYYYY

...RESPONDENT

AFFIDAVIT

I, Mahesh Kumar S/o Mr. Nand Lal , aged about 55 years, working as: Divisional Manager, DSIIDC, having office at Delhi State Industrial & Infrastructure development Corporation Ltd., N-36, Bombay Life Building, Connaught Circus, New Delhi – 110001, do hereby solemnly affirm and verify as under: -

1. That I am authorized representative of the Petitioner in the captioned matter and am conversant with the facts of the case and as such I am competent and authorized to swear this affidavit.
2. That I have read and understood the contents of the accompanying Application preferred by the Petitioner, which are true and correct to the best of my knowledge and belief and as derived from the records of the case available with the Petitioner. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION:

I, the Deponent above-named, do hereby declare and verify on oath that the contents of the affidavit are true and correct to the best of my knowledge and belief and as derived from the records of the case available with the Petitioner. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi, on this ____ day of January, 2024.

DEPONENT

IN THE HON'BLE HIGH COURT OF DELHI, DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)

CM APPL. NO.: _____ OF 2024

IN

W.P (C) NO.: _____ OF 2024

IN THE MATTER OF:

Xxxxxxxxxx

...PETITIONER

VERSUS

YYYYYYY

...RESPONDENT

**APPLICATION ON BEHALF OF APPELLANT
UNDER SECTION 151 OF CODE OF CIVIL
PROCEDURE, 1908 FOR EXEMPTION FROM
FILING TYPED COPIES OF DIM / LESS MARGIN
DOCUMENTS**

MOST RESPECTFULLY SHOWETH:

1. The Instant Writ Petition is being preferred by and on behalf of Delhi State Industrial and Infrastructure Development Corporation (*hereinafter referred as “DSI IDC” / “Petitioner”*) under Article 226/227 of the Constitution of India, seeking a writ, order or direction in the nature of Certiorari for quashing and setting aside the illegal and arbitrary order/decision dated 2/06/2023 passed by the Hon’ble Central Administrative Tribunal, Principal Bench, New Delhi in **O.A. No. 407 of 2021, titled as Vandana Manchanda vs. DSI IDC** (*hereinafter referred to as the “Impugned Order”*), vide which, the speaking and reasonable order dated 31/12/2020 of Petitioner, was

quashed and set aside. Simultaneously, by way of the Impugned Order, Petitioner was further directed to grant the Respondent temporary status as junior Stenographer by fixing her pay at the pay scale i.e. Rs.5200-20200. It was also directed that the wages with reference to OM dated 20/01/2017 and 04/09/2019 irrespective of availability of regular vacancy corresponding to a regular employee in Group 'C' including DA, HRA and CCA be given to the Respondent.

2. The contents of the accompanying petition are not being repeated herein for the sake of brevity and precision and the Petitioner craves leave of this Hon'ble Court to refer and reply upon the contents of the same in support of the present Application.
3. That some of the documents, being filed with the accompanying Petition before this Hon'ble Court, are dim / have lesser margins, which could not be typed due to urgency and paucity of time.
4. It would be in the interest of justice, that the Petitioner be permitted by this Hon'ble Court to file photocopies of such documents, without filing typed copies, before this Hon'ble Court in the present case.
5. That the Petitioners/Applicants undertake to file the typed copies of the said documents in due course of time, or as and when directed by this Hon'ble Court.
6. That the balance of convenience lies in favour of the Petitioners /Applicants.
7. The present application is made bona fide and in the interest of justice.

PRAYER

In view of the facts and circumstances as mentioned hereinabove, it is most humbly prayed by the Petitioner to this Hon'ble Court that this Hon'ble Court may graciously be pleased to:

- a) Permit the Petitioner to file photocopies of the documents;
and /or
- b) Pass such further and/or other order(s) as this Hon'ble High Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

**FOR THIS ACT OF KINDNESS, THE PETITIONER AS
IN DUTY BOUND SHALL EVER PRAY.**

**PETITIONER
(DSI IDC)**

THROUGH COUNSEL

DATED : __/01/2024

PLACE : NEW DELHI

Firdouse Qutb Wani

ADVOCATE FOR THE PETITIONER

ADDL. STANDING COUNSEL, DSI IDC

Advocate – On - Record, Supreme Court

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IN THE HON'BLE HIGH COURT OF DELHI, DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)

CM APPL. NO.: _____ OF 2024

IN

W.P (C) NO.: _____ OF 2024

IN THE MATTER OF:

XXXXXXXXXX

...PETITIONER

VERSUS

YYYYYYY

...RESPONDENT

AFFIDAVIT

I, Mahesh Kumar S/o Mr. Nand Lal , aged about 55 years, working as: Divisional Manager, DSIIDC, having office at Delhi State Industrial & Infrastructure development Corporation Ltd., N-36, Bombay Life Building, Connaught Circus, New Delhi – 110001, do hereby solemnly affirm and verify as under: -

1. That I am authorized representative of the Petitioner in the captioned matter and am conversant with the facts of the case and as such I am competent and authorized to swear this affidavit.
2. That I have read and understood the contents of the accompanying Application preferred by the Petitioner, which are true and correct to the best of my knowledge and belief and as derived from the records of the case available with the Petitioner. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION:

I, the Deponent above-named, do hereby declare and verify on oath that the contents of the affidavit are true and correct to the best of my knowledge and belief and as derived from the records of the case available with the Petitioner. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi, on this ____ day of January, 2024.

DEPONENT