

(2026) 02 DEL CK 1799
In the Delhi High Court
Case No : Writ Petition (C) No. 3933 Of 2010

RS Meena

APPELLANT

Vs

MCD And Ors

RESPONDENT

Date of Decision : 25-02-2026

Acts Referred:

Citation : (2026) 02 DEL CK 1799

Hon'ble Judges : Anil Kshetarpal, J; Amit Mahajan, J

Bench : Division Bench

Advocate : Tamali Wad, Varyam Pandey, Himanshu Upadhyay, Palak Garg, Tushar Ahuja, Saket Bhardwaj, Rajesh Yadav, Ruchira Vasisht, Ruchir Mishra, Sanjiv Kumar Saxena, Mukesh Kr Tiwari, Reba Jena Mishra, Poonam Shukla

Final Decision : Dismissed

Judgement

Anil Kshetarpal, J

CM APPL. 10130/2026 [exemption]

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

REVIEW PET. 81/2026

3. The present Review Petition has been filed by the Petitioner seeking review of the order/judgment dated 12.01.2026 passed by this Court, whereby W.P.(C) 3933/2010 and W.P.(C) 5684/2010 were dismissed.

4. On a perusal of the Order dated 12.01.2026, it becomes evident that the counsel, who appeared on behalf of the Petitioner on 12.01.2026, did not make any submissions assuming that the Interim Order dated 02.06.2010 is a final order and now the Petitioner and the private Respondents have already demitted office on attaining the age of superannuation. The counsel also made a statement that the Petitioner was given two promotions, and he retired as

Assistant Commissioner on 31.12.2019.

5. The Order dated 12.01.2026 also records that the counsel representing the Petitioner on 12.01.2026, despite the request of the Bench, failed to point out any error in the Order dated 06.05.2010, and thus keeping in view the aforesaid facts, the aforesaid Writ Petitions were dismissed.

6. Thereafter, the present Review Petition has been filed by the Petitioner.

7. It is not disputed by the learned senior counsel for the Petitioner that the counsel, who appeared on behalf of the Petitioner on 12.01.2026, refused to make submissions on merit while assuming that no further order can be passed in the Writ Petitions. However, the learned senior counsel for the Petitioner now contends that the services of the Petitioner were regularized as Assistant Labour Welfare Officer w.e.f. 01.01.1990 vide Order dated 27.11.2000 and this Court has failed to take note thereof.

8. As already noticed, the Order dated 12.01.2026 was dictated in the open Court and the counsel who appeared on behalf of the Petitioner on 12.01.2026 did not make any submissions on merits. Hence, this Court was not obliged to examine all the documents.

9. In any case, this Court has examined the matter in detail. The learned Central Administrative Tribunal [hereinafter referred to as 'the Tribunal'] vide Order dated 06.05.2010 quashed the Order dated 08.04.2004. Vide the said Order dated 08.04.2004, in compliance with the orders/directions of the National Commission for Scheduled Castes/Scheduled Tribes [hereinafter referred to as 'SC/ST Commission'], the Respondent No.1/Municipal Corporation of Delhi ('MCD') ordered the regularization of the Petitioner on the post of Assistant Labour Welfare Officer w.e.f. 01.01.1990.

10. He was thereafter promoted to the post of Assistant Commissioner/Dy. Assessor and Collector on an ad hoc basis w.e.f. 01.03.1996. Subsequently, w.e.f. 04.09.2002, he was further promoted on an ad hoc basis to the post of Additional Deputy Commissioner/Joint Assessor and Collector, against his supernumerary post of ADC/Joint A&C, which had been created for that purpose with the approval of the Chairman, Standing Committee and the Mayor.

11. Vide the Order dated 06.05.2010, it was held by the Tribunal that the SC/ST Commission had no jurisdiction to issue direction in a seniority dispute. Hence, directions were issued to the MCD to consider the matter afresh, independently and uninfluenced by any orders/directions issued by the SC/ST Commission, and pass orders within a period of two months. However, the Petitioner filed the present Writ Petition, vide which on 02.06.2010, the operation of the Order dated 06.05.2010 was stayed.

12. This Court finds no infirmity or legal error in the view so taken by the Tribunal.

13. As far as the Office Memorandum dated 21.01.2002 is concerned, the same shall be taken into consideration by the MCD while passing the fresh order because the date of regularization of the Petitioner as per the Order dated 27.11.2001 is 01.10.1992 and not 01.01.1990, which was ordered by the MCD pursuant to the order passed by the SC/ST Commission.

14. Even otherwise, the issue is academic as the Petitioner and the private Respondents have already demitted office after attaining the age of superannuation. Moreover, learned senior counsel for the Petitioner has failed to draw the attention of the Court to any patent error on the face of the final order.

15. In view of the foregoing discussion, this Court does not find it appropriate to interfere with the Order dated 12.01.2026.

16. The present Review Petition is accordingly dismissed.