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

+ LPA 3/2025

**THE DIRECTOR CENTRAL GOVERNMENT HEALTH SCHEME
(CGHS)&ORS.Appellant**

Through: Mr. Shashank Bajpai, CGSC with Ms. Shakun Sudha Shukla, Ms. Aashan Mehra, Mr. Vatsal Tripathi, Mr. Akshit Saxena & Mr. Govind Singh Chauhan, Advs.

versus

RAM CHANDER & ORS.Respondents

Through: Mr. Rajiv Agarwal, Ms. Mohani Bhat, Ms. Meghna De, Ms. L.Gangmei, Mr.N. Bhushan, Ms. Ekta Tomar, Mr.S.Sapra, Mr. Ishaan Goel & Mr. Siddharth Sapra, Advs.

**CORAM:
HON'BLE MR. JUSTICE DINESH MEHTA
HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER
10.07.2026**

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REV. PET. 46/2026

1. Mr. Rajiv Agarwal, learned counsel for the review petitioners-respondents argued that there are certain errors on the face of record and, therefore, the judgment dated 17.12.2025 needs to be reviewed/recalled.
2. Learned counsel highlighted that the court has decided the appeal under an impression that the services of the respondents had been terminated, whereas the fact of the matter is, that they were still in service



when they had approached the labour court. In this regard, he invited court's attention towards the order dated 23.08.2019 and reference made by the competent authority.

3. He took the Court through paragraph nos.25, 26, 27 & 61 of the order under review while reiterating that the respondents were in service when they approached the labour Court.

4. The observations made in above-referred paragraph nos.25, 26, 27 & 61 read as follows:

"25. He submitted that all the respondents had worked against sanctioned posts and were possessed of requisite qualification and their services were found satisfactory. Hence, the appellants could not have dispensed with their services in the absence of any fault on their part.

26. Learned counsel submitted that since the respondents were wrongly terminated, they invoked relevant provisions of the Industrial Disputes Act, 1947 (hereinafter referred to as the "ID Act" or the "Act of 1947") and at their instance, following dispute came to be referred by the appropriate government:

"Whereas services of the workmen Shri Ram Chander & Others can be regularized in the establishment of CGHS as they have been working in the establishment since 5 to 7 years on continuous basis? If not, what relief the workmen concerned are entitled to?"

27. He further submitted that a specific claim was filed by the respondents, asserting that they have been working against sanctioned posts and though they had discharged satisfactory services and were possessed of requisite qualifications, they have been disengaged without there being any rhyme or reason.

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61. *So far as the direction given in para no. 31 of the award of the Labour Court regarding workmen's entitlements to get wages according to pay scales of their respective categories/designation i.e. Data Entry Operators/LDCs along with consequential benefits from the date of their initial engagement/appointment, is concerned, we are afraid that such direction of granting the salary from the date of their initial appointment cannot be countenanced. This is for the reason that ultimately, it was the will and volition of the respondents who had not only accepted their engagement at the prevailing amount but had also continued with the same arrangements for years and raised disputes only when such engagement was brought to an end.*

5. Finding some substance in the submission so made by learned counsel for the review petitioners, the court raised a query to Mr. Shashank Bajpai, learned Central Government Standing Counsel for the appellant about such fact, to which he fairly conceded that contention of Mr. Agarwal is correct and at the time when the employees approached the labour court, they were still in service.

6. Such being the position, we are of the view that the inscription made in paragraph nos.25, 26, 27 & 61 of the judgment under consideration dated 17.12.2025 needs to be reviewed to this extent.

7. We, however, make it clear that such fact does not have any bearing on the ultimate analysis or conclusion to which we have reached.

8. During the course of submissions, Mr. Agarwal also submitted that there is every likelihood that the appellant would misconstrue the direction no.(i) given in paragraph 62 of the judgment dated 17.12.2025 and would create unnecessary hurdles in the respondent's way of getting regularisation, in the guise or name of examining their eligibility.



9. The existing text in the said paragraphs shall stand replaced by the revised text as hereunder. Save and except the aforesaid substitution, the original order shall remain unmodified and continue to operate in all other respects.

“25. He submitted that all the respondents had worked against sanctioned posts and were possessed of requisite qualification and their services were found satisfactory. Hence, the appellants could not have arbitrarily alter their service conditions or deny them regularisation in the absence of any fault on their part.

26. Learned counsel submitted that since the respondents faced the imminent threat of discontinuation of their services on account of the letters dated 21.01.2014 and 21.03.2014 issued by the management and the subsequent e-tendering notices issued by the appellants, they invoked relevant provisions of the Industrial Disputes Act, 1947 (hereinafter referred to as the “ID Act” or the “Act of 1947”) and at their instance, following dispute came to be referred by the appropriate government:

“Whereas services of the workmen Shri Ram Chander & Others can be regularized in the establishment of CGHS as they have been working in the establishment since 5 to 7 years on continuous basis? If not, what relief the workmen concerned are entitled to?”

*27. He further submitted that a specific claim was filed by the respondents, asserting that they have been working against sanctioned posts and though they had discharged satisfactory services and were possessed of requisite qualifications, **they have been denied regularisation**, without there being any rhyme or reason.*

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61. So far as the direction given in para no. 31 of the award of the Labour Court regarding workmen’s



*entitlements to get wages according to pay scales of their respective categories/designation i.e. Data Entry Operators/LDCs along with consequential benefits from the date of their initial engagement/appointment, is concerned, we are afraid that such direction of granting the salary from the date of their initial appointment cannot be countenanced. This is for the reason that ultimately, it was the will and volition of the respondents who had not only accepted their engagement at the prevailing amount but had also continued with the same arrangements for years and raised disputes **during the active subsistence of their employment.***

10. While finding the apprehension expressed by Mr. Agarwal to be uncalled for and unfounded, we make it clear that our endeavour/purpose of adjudging eligibility was to ascertain the eligibility as on the date of giving them engagement and not on the date of the award of the labour court. Hence, the respondents'-employees' eligibility shall be examined on the date when they were engaged, subject of course, if they were in service on the date of the award of the labour court.

11. Review petition stands disposed of accordingly.

DINESH MEHTA, J.

MINI PUSHKARNA, J.

JULY 10, 2026/ck