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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment reserved on: 07.04.2026

Judgment delivered on: 19.06.2026

Judgment uploaded on: *As per Digital Signature~*

+ **LPA 307/2015 & CM APPL 9205/2015**

KESHAV DUTT & ORS

.....APPELLANTS

versus

DELHI TOURISM & TRANSPORT
DEVELOPMENT CORPORATION
LIMITED & ANR

.....RESPONDENTS

Advocates who appeared in this case

For the Appellants : Mr. Rakesh Tiku, Sr. Advocate along with
Mr. Sandeep Kumar, Mr. Ashish, Mr.
Monu Kumar, Advocates.

For the Respondents : Mr. Prashnot Chander Sen, Sr. Advocate
with Mr. Siddhant Nath and Ms Vanisha
Mehta, Advocates for R1.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

V. KAMESWAR RAO, J.

1. This *intra* court appeal lays a challenge to the order dated 07.04.2015 (impugned order) passed by the learned Single Judge in W.P.(C) No.3295/2015 whereby the learned Single Judge has dismissed the writ petition filed by the appellants herein by stating in paragraph 15 as under:-



“15. It is therefore clear that the ratio of the judgment in the case of Umadevi (supra) really prevents regularization of persons who have been appointed pursuant to such an advertisement and which advertisement itself required employment only for a limited period, and therefore such persons who have been appointed for a limited period in terms of the advertisement requiring their appointments for limited periods, cannot seek regularization.”

2. The appellants numbering 11 had approached the learned Single Judge seeking regularisation of their services with the respondent no.1 / Delhi Tourism & Transport Development Corporation (DTTDC). Their case was that they were meeting the eligibility criteria/qualifications when they were appointed against the sanctioned posts of helper / attendant. It may be stated here that the case of the DTTDC was that it had approved the project of Delhi Haat, which was required to be completed / commissioned by September 2007. As a result thereof, four posts of helper were created and approved by the CEO of the DTTDC. On 26.06.2007, an advertisement was published stating helpers / attendants are required for a short period. The appellants, who were selected pursuant to the advertisement, were issued the memorandum, which provided that their services would be governed by the DTTDC Staff Service Rules, 1996. It was clarified that the appointments were only for a period of six months and would not entitle the appointees any right or claim of further continuation or regular appointment.

3. On 05.07.2007, the advertisement dated 26.06.2007 was challenged in this Court in W.P.(C) No.4766/2007. The Court held that as there was an urgent need for filling up of the posts on a short term basis, the same could not be subject to judicial review. There is no dispute that the services of the



appellants were extended from time to time and was further extended for six months between 01.07.2014 till 31.12.2014. It is also the case of the appellants that they were given increments from time to time as well as reimbursement of the tuition fees.

4. The appellants had also filed another W.P.(C) No.8855/2014 for regularisation of their services. The said writ petition was not pressed on merits with respect to the regularisation. However, the age relaxation for the next recruitment process was sought. The said writ petition was dismissed as far as the relief of regularisation was concerned, but the age relaxation was granted for the next recruitment process to be undertaken. The intra court appeal being LPA 105/2015 was filed against the order passed in W.P.(C) No.8855/2014 on the ground that the pleadings in the writ petition were not clear about the appointments being irregular and therefore, the relief of regularisation, be granted. Liberty was granted to the appellants therein to file a fresh petition seeking regularisation provided that the cause of action was pleaded therein to attract the principles of law laid down in paragraph no.53 of the judgment of the Supreme Court in the case of *Secretary, State of Karnataka v. Umadevi (3) and Others, (2006) 4 SCC 1*. It is thereafter, the W.P.(C) No.3295/2015 was filed, which was dismissed by the learned Single Judge by passing the impugned order dated 07.04.2015.

5. The case of the DTTDC before the learned Single Judge was that the advertisement was only for a short term and the appellants cannot be regularised through back door entry, which has been prohibited by the Supreme Court in the case of *Umadevi (supra)*.



6. Mr Rakesh Tiku, learned Senior Counsel appearing for the appellants submitted that the learned Single Judge has failed to appreciate that the law laid down by the Supreme Court in *Umadevi (supra)* clarified that where irregular appointments have been made of duly qualified persons against the duly sanctioned and vacant posts and the employees continued to work for ten years or more, without any intervention or orders of the Tribunal / Courts, the aspect of regularisation of services of such employees may have to be considered on merits and steps are to be taken as a one time measure. Thus, according to him, it is evident that an exception has been carved out in the case of *Umadevi (supra)* in respect of the persons who were irregularly appointed. It is his submission that the appellants being qualified i.e., having the eligibility and the fact that vacant posts existed, the benefit of the decision of the Supreme Court in *Umadevi (supra)* should have been given to the appellants herein. He submitted that the appointment of the appellants having been made in the year 2007 and continued till the year 2014, the statement made by the learned counsel for the DTTDC that the requisite steps shall be taken to invite the applications from the public at large so that other aspirants may also apply, is clearly erroneous. According to him, if such a statement had not been made, the appellants would have continued in DTTDC even thereafter.

7. According to Mr. Tikku, the appellants were not parties in the W.P.(C) 2236/2014, which was a writ petition filed by some workers engaged by a private entity, who sought regularisation of their engagement upon having rendered 10 years of service under the supervision and control of the respondent. In the proceedings, the DTTDC made a statement



regarding the petitioners therein, that the further renewal of the appellants would not be done. Hence, the appellants herein, had no opportunity to oppose passing of the said order. He stated that the second part of the assurance given by the DTTDC to the Court has not been complied with, inasmuch as till date, no steps have been taken by the DTTDC to invite applications from public at large even though substantial number of regular posts are lying vacant as on date.

8. He stated the judgment of *Umadevi (supra)* does not talk of the requirement of advertisement while considering regularization. Rather, in terms of paragraph no.53 of the judgment, it simply talks of regularization of irregularly appointed employees, who are otherwise duly qualified persons against sanctioned posts for more than 10 years. The said process was to be set in motion within six months of passing of the said judgment. According to him, it is sad reality that no steps have been taken by the DTTDC to regularize such irregularly appointed employees till date and hence, DTTDC cannot be permitted to take shelter of the judgement of *Umadevi (supra)*.

9. He contested the applicability of judgments in the case of *Union Public Servic Commission v. Girish Jayanti Lal Vaghela (2006) 2 SCC 482* and *National Fertilizers Limited and Others v. Somvir Singh (2006) 5 SCC 493* to state that in these cases, the issue was with respect to making regular appointments and not for regularizing the services which were irregular. Reliance was placed by him on the judgments in the cases of *Jaggo v. union of India & Ors. (2024 INSC 1034)*, *Pawan Sharma & Ors. v. Government of NCT of Delhi and Ors. 2025 SCC OnLine Del 8313*, *Bhola Nath v. State of Jharkhand & Ors. (2026) SCC OnLine SC 129* and



Nihal Singh & Ors. v. State of Punjab (1964) 4 SCR 5.

10. According to him, it is not a question of back door entry but a case where the persons who were temporarily needed to be appointed on regular basis have continued for a long period. He stated the services of the appellants have been discontinued on 31.12.2014, to be replaced by contractual employees under a contractor, which is contrary to the established principles of law. A set of temporary employees cannot be replaced by another set of temporary employees in terms of the judgment of Supreme Court in ***State of Haryana v. Piara Singh (AIR 1992 SC 2130)***.

11. He heavily relied upon the judgment in the case of ***Indu Munshi v. Union of India; 2018:DHC:3390-DB*** in support of his submission to state that the judgment of ***Umadevi (supra)*** does not lay down a straight jacket rule of uniform application and does not contemplate a blanket prohibition on the regularization of contractual employees.

12. On the other hand, Mr. Prashnot Chander Sen, learned Senior counsel for the respondents submitted that the short issue which arises for consideration is whether on ***Umadevi (supra)***'s case prevents regularisation of persons who have been appointed on sanctioned posts, pursuant to an advertisement which was for appointment on a short-term basis.

13. He submitted that when the birth of the appellants in DTTDC is based on the advertisement for a short period of time, their services cannot be regularised, in view of settled position of law in ***Umadevi (supra)***'s case. He stated anything done contrary to ***Umadevi (supra)*** has been held by this Court in the case of ***Radhe Shayam & Ors. v. GNCT of Delhi & Ors.***



W.P.(C) No. 471/2015 as constituting fraud. According to him, there was a possibility that persons who otherwise were interested in applying under the advertisement at the first instance had not applied by noting the fact that the appointment was only for short period. Hence, a person who has been appointed on temporary basis, if continued for a long period of time has no right to be regularised as the same cannot create any vested right in his favour. He made a reference to the judgment in the case of **Ganesh Digamber Jambhrunkar & Ors. v. State of Maharashtra & Ors. SLP (C) No.2543/2023** He has attempted to distinguish the judgments relied upon by Mr. Tikku.

14. Having heard the learned counsel for the parties, the short issue which arises for consideration is whether the appellants are entitled to regularisation of their services with the respondent/ the Corporation. It may be stated here that the W.P.(C) 8855/2014 was dismissed by the learned Single Judge. When the matter was taken in an *intra-court* appeal being LPA 105/2015, the Division Bench, in paragraph no.4 held as under:-

“4. We dispose of the appeal setting aside the impugned order dated January 07, 2015 and simultaneously permitting the appellants to withdraw W.P.(C)8855/2014. The appellants would be at liberty to file a petition seeking regularization provided a cause of action can be pleaded with respect to such facts which need to be established to attract the principles of law laid down by the Constitution Bench of the Supreme Court in paragraph 53 of the decision in Uma Devi's case (supra).”

15. Suffice to state, the issue that needs to be decided is from the perspective of the order passed by the Division Bench inasmuch as whether



the appellants are entitled to regularisation in terms of the principles of law laid down by the Constitution Bench of the Supreme Court in paragraph no.53 of the judgment in *Umadevi (supra)*'s case. The Supreme Court in paragraph 53 has held as under:-

“53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa [(1967) 1 SCR 128 : AIR 1967 SC 1071] , R.N. Nanjundappa [(1972) 1 SCC 409 : (1972) 2 SCR 799] and B.N. Nagarajan [(1979) 4 SCC 507 : 1980 SCC (L&S) 4 : (1979) 3 SCR 937] and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases aboveresferred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularise as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme.”

(emphasis supplied)



16. It is the submission of Mr. Tikku that the judgment in the case of *Umadevi (supra)* is squarely applicable to the appellants herein, as the appointment of the appellants was irregular and not illegal and the appellants are entitled to the benefit of paragraph no.53 of the *Umadevi (supra)*'s case. To consider the said submission of Mr. Tikku, it is necessary to highlight the fact that the appellants were appointed pursuant to advertisement dated 26.06.2007. The joining was made between July, 2007 to October, 2007. There is no dispute that the engagement of the appellants was discontinued on 31.12.2014. In that sense, the appellants have put in seven years (7 years) of service with the respondents. In paragraph no.53 of the *Umadevi (supra)*'s case a distinction has been drawn between a regular appointment and an irregular appointment. The Supreme Court has permitted one time regularisation of those persons whose appointment was irregular and who have put ten years of service or more. The said exercise was to be undertaken within a period of six months. Concedingly the appellants herein have not put in ten years of service for them to seek the benefit of the paragraph no.53 of the *Umadevi (supra)*'s case.

17. This we say so because it is the case of the appellants that they have joined between July to October, 2007, and continued in terms of the last extension granted to them till, 31.12.2014. In view of the same, it is inconsequential to look into whether the appointments made were irregular or illegal.

18. If above being the position, keeping in view the limited mandate of the order passed by the Division Bench of this Court in LPA 105/2015, the issue needs to be seen from the perspective of paragraph no.53 of the



Umadevi (supra)'s case, and it is our conclusion that the appellants do not meet the mandate of the Supreme Court in the said paragraph of the *Umadevi (supra)*'s case, as they have not put in ten years of service or more, they are not entitled to any relief.

19. Accordingly, the appeal, being devoid of merit is liable to be dismissed, along with the pending application. We order accordingly.

20. In view of the aforesaid position, we see no reason to go into the submissions made by the counsel for the parties by relying upon the judgments as referred above.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JUNE 19, 2026

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