

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**Civil Appeal Nos.12789-12790 of 2026
[@ Special Leave Petition (C) Nos.12285-12286 of 2025]**

Narinder Singh Negi & Anr.

...Appellants

Versus

Dr. Renu Sharma & Anr.

...Respondents

W I T H

**Civil Appeal Nos.12791-12792 of 2026
[@ Special Leave Petition (C) Nos.13299-13300 of 2025]**

ORDER

Leave granted. Official apathy is writ large in the above case, wherein the appellants have been agitating their cause for regularization for the last two decades.

2. The appellants were promoted to the post of Junior Engineer (Civil/Electrical/Mechanical) on *ad-hoc* basis in the year 2006. As is indicated in Annexure P/5, the Municipal Corporation of Delhi took a decision to relax the provision for holding a competitive examination under the Recruitment Regulations for the posts of JE(Civil) and JE(Electrical), facilitating such promotion for 12 candidates in the post of JE(Civil) and 2 candidates in the post of JE(Electrical). One

appointment order issued is also produced at Annexure P6; similar to which was issued to all the promotees.

3. In Annexure P6, the person appointed as JE(Civil) was so appointed on *ad-hoc* basis for a period of six months. The relaxation of the Recruitment Rules was referred to the Government of NCT of Delhi for consultation and necessary approval. Subsequently on 29.06.2012; till which date appellants were continued uninterruptedly, they were reverted to their substantive posts, since no decision was forthcoming from the Government.

4. The travails of the appellants started then. They approached the Central Administrative Tribunal (CAT), which directed the number of vacancies available in the departmental quota to be reckoned, to which selection and promotion was directed after conducting a limited departmental competitive examination. The *ad-hoc* promotees challenged the order of the CAT before the High Court of Delhi, which was disposed of on 18.10.2013, directing the Lieutenant Governor (LG)/Government of Delhi to take a decision in the matter. A *status quo* was directed to be maintained as on that date and the writ petitioners were

given liberty to challenge the order of the LG, if it prejudices them. Again, no decision was forthcoming and the *ad-hoc* promotees filed an application in the disposed of writ petition, which was renumbered as a Contempt Petition, *suo motu*.

5. On 15.02.2022, when the matter was posted, the learned Standing Counsel for the Government assured the Court that action in terms of the judgment of the High Court shall be taken within four weeks and later it was reported that such action was indeed taken. However, the appellants still remained as *ad-hoc* employees. In which circumstance, an application was moved to recall the order passed in the contempt case, seeking restoration of the case. *Ad-hoc* promotees contended that though relaxation had been granted by the LG, there was no further progress giving effect to such order by the MCD; which was accused of deliberately and willfully dragging its feet. The MCD later passed an order dated 06.10.2023 by which the regularization was made but only from the date of communication of the approval of the LG as conveyed vide order dated 31.03.2022.

6. The regularization, hence occurred from 31.03.2022, which prompted them to again press the contempt case, which however was rejected finding no case for holding the respondents in contempt of the order passed by the High Court dated 08.10.2013; which only directed consideration.

7. We cannot but reiterate with emphasis that while relaxation was granted in the year 2006 and employees in the lower cadre promoted on *ad-hoc* basis for six months, they were continued for six years; on the ground that the relaxation was pending with the LG. After six years, they were abruptly reverted to their substantive vacancies, by reason of which, they approached the CAT, which directed consideration based on a departmental competitive examination. A challenge to that order before the High Court resulted in a direction in the year 2013 to the Government of NCT of Delhi to consider the relaxation. For another nine years, nothing happened and only when the application seeking direction was converted to a contempt case, the Government permitted the relaxation. Yet again, more than a year passed before the MCD implemented the same,

granting regularization only from the date on which the relaxation was granted by the LG.

8. We cannot but deprecate the conduct of the MCD; especially the apathy shown to the employees. The relaxation sought in the year 2006, was for promotion without holding a departmental examination, as the rules provided. *Ad-hoc* promotions were also made from the regular employees of the Corporation, who satisfied the eligibility conditions. The relaxation as decided by the resolution of the Corporation was forwarded to the Governor in the year 2006 itself. When the relaxation is approved by the Governor, even if it is after a decade and a half, the MCD cannot contend that regularization would only inure from the date of such relaxation as permitted by the Government. The relaxation to the rules was made by the MCD itself in the year 2006 and what was pending was an approval to that relaxation. When the approval is issued by the LG, it relates back to the date on which the relaxation had been granted.

9. We have no doubt in our minds that the appellants are entitled to regularization in the posts of JE from the date on which they were promoted on *ad-hoc* basis. We make it clear

that not only shall they be granted such regularization and every pecuniary benefit flowing from it but they shall also be considered for further promotions on the basis of eligibility alone, when their turn come for promotion and there is a vacancy available in the higher cadre, even retrospectively, on the date of such eligibility.

10. We make it clear that if there is any examination stipulated for further promotion, the appellants cannot be asked to sit for such examination at this distance of time; hence our direction that their eligibility and suitability alone shall be considered, which consideration shall be on the basis of the eligibility period of service and their Annual Confidential Reports (ACRs). Their seniority in the higher post shall be reckoned as junior to the immediate senior in the feeder category reckoning their regularization as on 2006. We also make it clear that not only the appellants herein but all such persons, who had been parties in the Writ Petition (C) No.3968 of 2013; the 14 *ad-hoc* promotees, shall be given such benefits, even if they have retired or have ceased to be in service, except on resignation or dismissal pursuant to a domestic enquiry. We expect the MCD to

confer those benefits and disburse the pecuniary benefits to the petitioners and those among the 14 petitioners in the earlier writ petition, and also revise their retirement benefits including pension, if any.

11. The appeals stand allowed.

12. Pending application(s), if any, shall stand disposed of.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
SEPTEMBER 08, 2026.**