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

+ **W.P.(C) 11534/2021 & CM APPL. 35585/2021**

PRAMOD PANDEY & ANR. .... Petitioners

Through: Ms. Meghna De, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION

& ORS. .... Respondents

Through: Ms. Mini Pushkarna, Standing  
Counsel for Nr.DMC.

Mr. Neeraj and Mr. Vedansh Anand,  
Adv. for R-2/NIELIT (M:  
8076802450).

Mr. Vijay Joshi, Advocate for R-3.

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+ **W.P.(C) 11535/2021 & CM APPL. 35586/2021**

RAJ KUMAR & ANR. .... Petitioners

Through: Ms. Meghna De, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION

& ORS. .... Respondents

Through: Ms. Mini Pushkarna, Standing  
Counsel for Nr.DMC.

Mr. Neeraj and Mr. Vedansh Anand,  
Advocate for R-2/NIELIT.

Mr. Sushil Kumar Pandey, Sr. Panel  
Counsel, Mr. Rahul Mourya, Ms.  
Sweety Singh Chauhan and Ms.  
Anjun Kaur, Advocates for R-3 (M:  
9873099031).

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

% **07.10.2021**

1. This hearing has been done through hybrid mode.
2. The present petitions have been filed by Data Entry Operators

(*hereinafter “DEOs”*), working in the North Delhi Municipal Corporation (*hereinafter “NrDMC”*) engaged on a contractual basis, through the Respondent No. 2/ Contractor- National Institute of Electronics & Information Technology (*hereinafter “NIELIT”*).

3. The case of the Petitioners in these petitions is that they were employed and have rendered their services for varying periods of time, between 3 to 15 years. The grievance that they raise in these petitions is that they have been served with an email by NIELIT on 30<sup>th</sup> September 2021, stating that the contract between the NIELIT and the NrDMC is going to expire i.e., on 30<sup>th</sup> September 2021, and therefore, the workers should not report to the NrDMC w.e.f. 1<sup>st</sup> October 2021. The said email reads as under:

*“Dear All*

*It is informed that contract between NIELIT, Delhi and North DMC is going to expire today i.e. 30-09-2021.*

*You are hereby directed not to go to North DMC w.e.f. 01-10-2021.*

*Further, you are required to submit your NO DUES AND SECURITY REFUND FORM at the earliest for processing of relieving letter, experience certificate and refund of security amount.”*

4. Prior to the said email written by NIELIT, the Petitioners had raised industrial disputes against the Corporation, by approaching the Conciliation Officer, under the Industrial Disputes Act, 1947, in April 2021. Notice has already been issued in these conciliation proceedings and the Conciliation officer had directed the NrDMC and the Contractor, to adhere to the provision under Section 33 of the ID Act and not change the service conditions during the pendency of the proceedings. It is not disputed that

Conciliation proceedings are currently underway, and reply has also been filed on behalf of the NrDMC. It is during the pendency of the said proceedings that the Workman apprehended the possibility of the Corporation availing of the Government -e- Market (hereinafter, “GeM”) portal, due to the operation of the General Financial Rules, 2017 (hereinafter, “GFR, 2017), which under Rule 149, makes it mandatory to procure goods and services from the said portal. Thereafter, the said email dated 30<sup>th</sup> September 2021, extracted above, was sent to the Petitioners, clearly asking them not to report to work at the Nr.DMC w.e.f 1<sup>st</sup> October 2021.

5. At the outset, Ms. Mini Pushkarna, Ld. Standing Counsel, appearing for the NrDMC submits that the Standing Committee of the NrDMC has passed a Resolution, bearing Resolution No. 95/2021, on 15<sup>th</sup> September 2021, by which the contract of NIELIT has been extended till 31<sup>st</sup> December 2021. The said resolution has been placed on record before the Court today, and reads as under:

*“Resolved that it be recommended to the Corporation that the proposal of the Commissioner as contained in the letter No. F.33/Dir (IT)/NDMC/95/C&C dated 27.7.2021 regarding extension of the contract agreement with M/s NIELT for deployment of Technical Professionals & DEOs on the existing terms and conditions, be approved with the amendment that extension be given with effect from 01.10.2021 to 31.12.2021, instead of 6.8.2021 to 5.2.2022, and remuneration be paid accordingly (extension w.e.f. 6.2.2021 to 30.9.2021 has already been given by the Standing Committee vide Reso. No. 28 dated 27.7.2021).”*

6. Thus, she submits that at this point, there is no apprehension, as

expressed in these writ petitions, that the DEOs will be removed. According to Ms. Pushkarna, NIELIT has sent the said email dated 30<sup>th</sup> September 2021, to the DEOs, without any instructions from the Corporation.

7. On behalf of NIELIT, it is submitted by Mr. Anand, Id. Counsel, that NIELIT is willing to continue the Petitioners, on a contractual basis. However, he submits that NIELIT, may be permitted to deposit the ESIC dues, the Maternity benefits and the EPF dues etc. At this stage, Ms. Meghna De, Id. counsel, at this stage intervenes and submits that since June, the salaries of the Petitioners have not been paid.

8. Heard Id. Counsel for the parties and perused the records.

9. Similar writ petitions relating to Data Entry Operators have been entertained by this Court from time to time, in WP(C) 6055/2021 and connected matters, as well as WP(C) 8498/2021 and connected matters.

10. The DEOs in the present petitions, are stated to have worked since 2006 onwards, as is visible from the tables annexed as Annexure A and B to this order. Few of the said DEOs have rendered services for the NrDMC for more than 10 years. The clear stand of the NrDMC, as per its Resolution and the submissions of Ms. Pushkarna, Id. Standing Counsel, is that it has not given any instructions to NIELIT, to either terminate the Petitioners or to ask them not to report to work.

11. Under such circumstances, the e-mail that has been sent by the contractor - NIELIT to the Petitioners, is quite surprising and inexplicable. In fact, once the Resolution bearing Resolution No. 95/2021 stating that the contract of NIELIT is extended till 31<sup>st</sup> December 2021, has been passed by the Standing Committee of the Corporation, such an email being written by NIELIT on 30<sup>th</sup> September 2021 was completely uncalled for.

12. Moreover, from the submissions being made by NIELIT as well as Ms. De, Id. Counsel, today, it seems that the salaries of the Petitioners, and their statutory dues, have not been deposited by NIELIT in a regular manner.

13. Accordingly, NIELIT is hereby directed to ensure that all the statutory dues and salaries of the Petitioners are released in time, and there is no delay in respect of the same. NIELIT is directed to release all the salaries and other dues, in favour of the Petitioners, on or before 20<sup>th</sup> October 2021, failing which the Petitioners are permitted to approach this Court by way of an application, and stringent action would be liable to be taken against the contractor.

14. Insofar as the grievance of the Petitioners is concerned, since the contract of NIELIT has been extended till 31<sup>st</sup> December 2021, it is made clear that the Petitioners shall continue to work with the NrDMC as they were, in the past, and they shall not be terminated or restrained from working with the NrDMC, except in accordance with law. However, if the NrDMC choses to avail of the GeM portal or engage any other contractor as per the prescribed procedure at a later stage, they are permitted do so, so long as the new contractor does not change the service conditions of the Petitioners, till the pendency of the disputes before the Conciliation Officer and the Labour Court.

15. The present order would be subject to the outcome of the proceedings before the. Labour Court. It is made clear that this Court has not examined the merits of the matter as to whether the Petitioners are entitled to regularization, or any other issues raised by Petitioners. The same shall be decided by the Id. Labour Court in accordance with law.

16. The present writ petitions with all pending applications are disposed of, in the above terms. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, [www.delhihighcourt.nic.in](http://www.delhihighcourt.nic.in), shall be treated as the certified copy of the order for the purpose of ensuring compliance. No physical copy of orders shall be insisted by any authority/entity or litigant.

**PRATHIBA M. SINGH, J.**

**OCTOBER 7, 2021**

*MR/AK*

**W.P.(C) 11534/2021**

**ANNEXURE A**  
**Date 7<sup>th</sup> October, 2021**

<b>Sr. No.</b>	<b>Name and Father/Husband Name</b>	<b>Date of Joining</b>	<b>Designation</b>	<b>Present Place of Posting</b>
1.	Gaurav Kapoor S/o Sh. Anil Kumar	05.08.2015	Data Entry Operator	8 <sup>th</sup> Floor, Civic Center, Engineering Department, Office of the Chief Engineer-V. BM ID No. 15035210
2.	Sh. Joginder Pal S/o Sh. Sukhbir Singh	17.10.2013	Data Entry Operator	Technical Lab, North DMC, Vidhan Sabha, Delhi. BM ID No. 150,17563
3.	Ravi Kumar S/o Late Sh. Bhagwan Dass	05.07.2013	Data Entry Operator	Education Department/HO, 15 <sup>th</sup> Floor, Dr. S.P.M. Civic Centre New Delhi -110002. BM ID No. 15017473
4.	Namrata Singh W/O Sh. Nityanand Singh	04.07.2016	Data Entry Operator	Education Department/HO, 15 <sup>th</sup> Floor, Dr. S.P.M. Civic Centre New Delhi - 110002. BM ID No.40002095
5.	Ritu Pal D/o Sh. Mahavir Singh	04.07.2016	Data Entry Operator	Education Department/HO, 15 <sup>th</sup> Floor, Dr. S.P.M. Civic Centre New Delhi - 110002. BM I D No. 40002096
6.	Amir Malik S/o Sh. Sher Malik	19.09.2011	Data Entry Operator	Accounts Office (Health & Plan) ,12 <sup>th</sup> Floor, Dr. S.P.M. Civic Centre New Delhi -110002. BM ID No. 10099842.
7.	Mohit Kumar S/o Sh. Daya Chand	07.01.2013	Data Entry Operator	Addl. Director Hospital Administration (Medical & TB Department), 12 <sup>th</sup> Floor, Dr. S.P.M. Civic Centre New Delhi - 110002. BMID No., 15005122
8.	Ankit Chauhan S/o Sh. Shripal	03.11.2014	Data Entry Operator	Accounts Office (Health & Plan) ,12 <sup>th</sup> Floor, Dr. S.P.M. Civic Centre New Delhi -110002. BM ID- No. 15020497.
9.	Pramod Pandey S/o Sh.	14.05.2008	Data Entry Operator	OSD To Commissioner/ North DMC, 4th Floor , Dr. S.P.M.

	Dharmanand Pandey			Civic Centre New Delhi - 110002. BM ID No. 10090008.
10.	Sonam Raheja D/o Jitender Raheja	29.05.2013	Data Entry Operator	2nd Floor, Civic Center, ADC/HQ. BMID No. 15019386
11.	Himanshi D/o Sh. Ashok Kumar	20.12.2018	Data Entry Operator	Addl. Director Hospital Administration (M & CW), 12th Floor, Dr. S.P.M. Civic Centre New Delhi -110002. BM I D No. 40005682
12.	Tejpal S/o Sh. Kishan Lal	19.01.2016	Data Entry Operator	8th Floor, Civic Center, Office of the Executive Engineer, Building HQ. BM 1D No. 15023157
13.	Mamta W/o Sh. Devender Kumar	14.05.2008	Data Entry Operator	4 Days – DHO Office(M&CW) Keshav Puram Zone, Kalidas Marg, Gulabi Bagh Delhi - 110007  2 Days – Maternity Home Shakti Nagar, Delhi-110007. BM 1D-10092865
14.	Bharti D/o Sh. Ram Prakash	30.04.2010	Data Entry Operator	DHO Office, City-SP Zone, North DMC, Opposite Town Hall, Chandni Chowk, Delhi. BM 1D No. 10091667
15.	Shriram Yadav S/o Sh. Vishaw Nath Yadav	14.05.2008	Data Entry Operator	DHO M & CW Old Girls Primary School, Bawana Delhi. BM 1D No. 10028173
16.	Anju D/o Sh. Kishan Lal	14.05.2008	Data Entry Operator	Pocket 5 Sector A6 M&CW Narela -2, Delhi-110040. BM 1D- 10030486
17.	Sh. Ajay S/o Sh. Laxmi Narayan	14.07.2006	Data Entry Operator	Assessment & collection Department, City S.P. Zone. BM. 1.D. NO. 10098348
18.	Ms. Poonam D/o Lala Ram	17.09.2013	Data Entry Operator	DCA (ENGG & OEMS) 10th Floor. Dr. S.P.M. Civic Center, New Delhi. BM. 1.D. NO. 15015105
19.	Smt. Poonam W/o Sh. Kamaljeet	01.08.2008	Data Entry Operator	10 <sup>th</sup> Floor, Civic Center, E-8ock, DEMS Department (H.Q). BM. I.D. NO.10082032



**W.P.(C) 11535/2021**

**ANNEXURE B**  
**Date 7<sup>th</sup> October, 2021**

<b>Sr. No.</b>	<b>Name and Father/Husband Name</b>	<b>Date of Joining</b>	<b>Designation</b>	<b>Present Place of Posting</b>
1.	Raj Kumar S/o Sh. Roop Lal	03 April 2006	Data Entry Operator	O/o The Executive Engineer (Maintenance)-I/Rohini Zone, Engineer Department North DMC
2.	Teena Kataria W/o Sh. Pankaj Kataria	23 December 2011	Data Entry Operator	O/o The Chest Clinic, Jhandewalan, Health Department, North DMC
3.	Dev Raj S/p Sh. Chhotu Ram	11 August 2009	Data Entry Operator	Horticulture Department Rohini Zone, North DMC.
4.	Shashi Bhushan Vashist S/o Sh. R.K. Vashist	16 November 2011	Data Entry Operator	O/o The Clinic Moti Nagar, Health Department, North DMC
5.	Dinesh Singh S/o Sh. Dilvar Singh	29 March 2011	Data Entry Operator	O/o The Superintending Engineer (Electrical) HQ/North DMC
6.	Shobha D/o Surender Kandari	01 August 2008	Data Entry Operator	Office of the Deputy Commissioner, Civil Line Zone/North DMC
7.	Nitin S/o Lekhraj Sharma	24 May 2012	Data Entry Operator	RMS, Polyclinic Sadar Bazar, Health Department, North DMC
8.	Reena Naudiyal W/o Sh. Jagdish	19 August 2009	Data Entry Operator	Veterinary Services Department Rohin Zone, North DMC
9.	Nitin S/o Brij Bhushan	01 January 2006	Data Entry Operator	O/o The Superintending Engineer-II/Rohini Zone/North DMC
10.	Deepali D/o Sh. Krishan Kumar Singh	29 April 2014	Data Entry Operator	Education Department/Rohini Zone/North DMC
11.	Rajesh Kumari D/o Sh. Tika Ram	29 October 2013	Data Entry Operator	Accounts Department/Rohini Zone/North DMC

12.	Anshu Chouhan W/o Sh. Sachin Chohan	25 August 2009	Data Entry Operator	Accounts Department/Rohini Zone/North DMC
13.	Nikhil Methiyan S/o Sh. Brahm Pal	28 July 2009	Data Entry Operator	Accounts Department/Rohini Zone/North DMC
14.	Pushpa D/o Sh. Kanhaiya Lal	23 July 2009	Data Entry Operator	Accounts Department/Rohini Zone/North DMC
15.	Subhash S/o Sh. Ram Pal Singh	07 August 2009	Data Entry Operator	Office of the Deputy Commissioner, Rohini Zone/North DMC
16.	Mukesh Kumar S/o Sh. Kajod Ram	27 December 2012	Data Entry Operator	Accounts Department/Rohini Zone/North DMC
17.	Jaswant Singh S/o Sh. Karam Singh	17 February 2015	Data Entry Operator	Hindu Rao Hospital, North DMC
18.	Navdeep Malik S/o Sh. Sukhbir Singh	01 February 2010	Data Entry Operator	O/o The Executive Engineer (Maintenance)-II Narela Zone Engineer Department, North DMC
19.	Surendra Kumar Verma S/o Sh. Giriraj Prasad Verma	06 June 2014	Data Entry Operator	Building Department-II/Rohini Zone/North DMC
20.	Lata Bisht D/o Sh. Surender Singh Bisht	21 June 2014	Data Entry Operator	O/o The Assistant Law Officer/Rohini Zone/North DMC
21.	Anil Kumar S/o Sh. Jasweer	10 May 2011	Data Entry Operator	O/o The Executive Engineer (E&M) North DMC
22.	Rekha Mittal W/o Late Sh. Sanjay Mittal	03 March 2009	Data Entry Operator	O/o The Superintending Engineer-II/Civil Line Zone/North DMC
23.	Bharti Khanna D/o Sh. Kunj Bihari Lal	07 January 2016	Data Entry Operator	Dean Office, Medical College & Hindu Rao Hospital, North DMC
24.	Lal Babu S/o Sh. Manorath	15 November 2005	Data Entry Operator	O/o The Director-in-Chief/North DMC
25.	Priyanka Sharma D/o Sh. Roop Kishore Sharma	04 May 2012	Data Entry Operator	NDMC (H) Kasturba Hospital

26.	Akash Verma S/o Sh. Raj Kishore Verma	29 November 2016	Data Entry Operator	Veterinary Services Department City-SP Zone, North DMC
27.	Banti Sharma S/o Sh. Chander Pal	05 September 2013	Data Entry Operator	Veterinary Services Department Civil Line Zone, North DMC
28.	Ravi Verma S/o Sh. Kaushal Verma	01 May 2019	Data Entry Operator	Veterinary Services Department Civil Line Zone, North DMC
29.	Susheela W/o Sh. Brij Mohan	21 March 2013	Data Entry Operator	MRD/Hindu Rao Hospital
30.	Monika W/o Sh. Jitender Rana	01 April 2016	Data Entry Operator	Nangloi Poly Clinic, Rohini Zone, North DMC
31.	Amrish Kumar Son of Sh. Roshan Lal	16 December 2015	Data Entry Operator	Office of CAMO, Rohini Zone, North DMC
32.	Jitender Kumar S/o Sh. Satyawan	06 May 2013	Data Entry Operator	Hindu Rao Hospital North DMC
33.	Deepak Pal S/o Sh. Somi Chand	05 July 2014	Data Entry Operator	Hindu Rao Hospital North DMC