



2026:DHC:5446



\$~7 to 12 & 60

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

% **Date of Decision: 06th July, 2026**

+ CONT.CAS(C) 1657/2025

SHOBHA DEVI

.....Petitioner

Through: Mr. Chirayu Jain, Ms. Raksha Awasya, Ms. Tanishqua Dhar, Advocates (M:7406073670)
Email: chamberschirayuj@gmail.com

versus

SHAIENDRA KUMAR SINGH

.....Respondent

Through: Ms. Risha Dixit, Advocate (M:7987398566)

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+ CONT.CAS(C) 1663/2025

RC PASWAN

.....Petitioner

Through: Mr. Chirayu Jain, Ms. Raksha Awasya, Ms. Tanishqua Dhar, Advocates (M:7406073670)
Email: chamberschirayuj@gmail.com

versus

SHAIENDRA KUMAR SINGH

.....Respondent

Through: Ms. Risha Dixit, Advocate (M:7987398566)

9

+ CONT.CAS(C) 1670/2025

RAM BILASH SHARMA

.....Petitioner

Through: Mr. Chirayu Jain, Ms. Raksha



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Awasya, Ms. Tanishqua Dhar,
Advocates (M:7406073670)
Email: chamberschirayuj@gmail.com

versus

SHAIENDRA KUMAR SINGHRespondent

Through: Ms. Risha Dixit, Advocate
(M:7987398566)

10

+ CONT.CAS(C) 1676/2025

GOVIND SAHAYPetitioner

Through: Mr. Chirayu Jain, Ms. Raksha
Awasya, Ms. Tanishqua Dhar,
Advocates (M:7406073670)
Email: chamberschirayuj@gmail.com

versus

SHAIENDRA KUMAR SINGHRespondent

Through: Ms. Risha Dixit, Advocate
(M:7987398566)

11

+ CONT.CAS(C) 1752/2025

RAM PRASAD SAHPetitioner

Through: Mr. Chirayu Jain, Ms. Raksha
Awasya, Ms. Tanishqua Dhar,
Advocates (M:7406073670)
Email: chamberschirayuj@gmail.com

versus

SHAIENDRA KUMAR SINGHRespondent

Through: Ms. Risha Dixit, Advocate
(M:7987398566)



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+ CONT.CAS(C) 1754/2025

SUSHIL DAS

.....Petitioner

Through: Mr. Chirayu Jain, Ms. Raksha Awasya, Ms. Tanishqua Dhar, Advocates (M:7406073670)
Email: chamberschirayuj@gmail.com

versus

SHAILENDRA KUMAR SINGH

.....Respondent

Through: Ms. Risha Dixit, Advocate
(M:7987398566)

60

+ CONT.CAS(C) 290/2026

RAJA RAM

.....Petitioner

Through: Mr. Chirayu Jain, Ms. Raksha Awasya, Ms. Tanishqua Dhar, Advocates (M:7406073670)
Email: chamberschirayuj@gmail.com

versus

SHAILENDRA KUMAR SINGH

.....Respondent

Through: Ms. Risha Dixit, Advocate
(M:7987398566)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL):

1. The present petitions have been filed for grant of pension in accordance with the directions issued by this Court *vide* judgment dated 23rd February, 2023, titled as *Dulari Devi Versus Delhi Building and Other*



Construction Workers Welfare Board & Anr., passed in *W.P.(C) 13969/2022*.

2. Learned counsel appearing for the petitioners submits that the principal amount has already been paid by the respondent, however, the interest component is yet to be released by the respondent.
3. *Per contra*, learned counsel appearing for the respondent has handed over to this Court a reply on behalf of the respondent, and the same is taken on record.
4. As per the said reply, the respondent is disputing the payment of any interest to the petitioners.
5. The relevant portions of the reply filed on behalf of the respondent, is reproduced as under:

“xxx xxx xxx

3. The grievance now sought to be raised by the petitioner pertains only to payment of interest upon the pension amount. It is respectfully submitted that such claim is wholly misconceived and is based upon an erroneous reading of the judgment rendered in *Dulari Devi v. Delhi Building and Other Construction Workers Welfare Board & Anr.*
4. It is submitted that the writ petition filed by the present petitioner was decided by relying upon the **ratio decidendi** laid down in *Dulari Devi*, namely that there exists no conflict between Section 14 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and Rule 272 of the Delhi Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2002, and that eligibility for pension is governed by Rule 272 while Section 14 merely governs cessation of beneficiary status.



5. The judgment in the petitioner's writ petition records and applies only the aforesaid legal principle while directing the respondent to consider the petitioner's case for grant of pension. The Court did not pass any independent direction directing payment of interest upon the pension amount. Rather, the operative direction was confined to extending the benefit of pension in accordance with law.
6. It is respectfully submitted that the observations regarding payment of "applicable interest" appearing in paragraph 55 of *Dulari Devi* were rendered in the peculiar facts of that case while moulding the final relief after allowing the writ petitions. Those observations cannot be elevated to the ratio decidendi governing every subsequent petition irrespective of the relief actually granted therein.
7. It is a settled principle of law that the **ratio decidendi** alone constitutes the binding declaration of law under Article 141 of the Constitution, whereas observations made while granting relief on the peculiar facts of a case cannot automatically be imported into every subsequent matter unless specifically directed by the Court.
8. The present writ petition neither contained any express direction for payment of interest nor adjudicated the entitlement of the petitioner to interest independently. Accordingly, compliance of the **operative directions (obiter dictum)** stood completed upon release of the admissible pensionary benefits.
9. It is respectfully submitted that contempt jurisdiction is confined to examining whether there has been deliberate and wilful disobedience of the operative directions issued by the Court. It is well settled that contempt proceedings cannot be converted into execution proceedings for seeking an additional relief which was neither granted nor specifically directed in the original writ proceedings.



10. The respondents have faithfully complied with the operative directions contained in the writ judgment. The dispute sought to be raised by the petitioner regarding entitlement to interest, if any, involves adjudication of substantive rights and cannot be determined in contempt jurisdiction.

11. It is further submitted that the subsequent order dated 05.02.2026 passed in certain contempt petitions merely directed the respondent to **consider** the issue of release of interest, if admissible, after taking note of the judgment in *Dulari Devi* and the order dated 17.04.2023 in LPA 209/2023. The said order itself does not hold that interest is automatically payable in every case.

xxx xxx xxx”

6. In response to the aforesaid submissions of the respondent, learned counsel for the petitioners seeks liberty to make representations to the respondent, for grant of interest.
7. Accordingly, considering the submissions made before this Court, liberty is granted to the petitioners to make representations to the respondent, for seeking interest.
8. Let representations be made by the respective petitioners to the respondent, within a period of four weeks, from today.
9. Upon receipt of the representations from the petitioners, the same shall be decided by the respondent expeditiously, preferably, within a period of six weeks, in accordance with law.
10. A speaking order shall be passed by the respondent, and the same shall be communicated to the petitioners, through the learned counsel appearing for the petitioners, on the E-mail, which is reflected in today's order.
11. In case, petitioners are aggrieved by any order passed by the



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respondent, they shall have the liberty to seek their legal remedies.

12. Accordingly, with the aforesaid directions, the present petitions are disposed of.

**MINI PUSHKARNA
(JUDGE)**

JULY 6, 2026/au