

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
FINANCE DEPARTMENT : POLICY DIVISION
DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI**

FIN-POL/23/2026-Policy-F.D/e-414849 /

Dated:

OFFICE MEMORANDUM

Subject: Regulation of contractual engagement and engagement of manpower through outsourcing in Government of NCT of Delhi - reg.

Attention of all Administrative Secretaries/Head of Departments is invited to the manner in which manpower is being engaged in various Departments/Autonomous Bodies/Institutions under the Government of NCT of Delhi.

2. The matter assumes significance in view of the judgment dated 10.11.2025 passed by the Hon'ble High Court of Delhi in W.P.(C) No. 2117/2025 and connected matters - *Pawan Sharma & Ors. vs. Government of NCT of Delhi & Ors.* concerning contractual nursing/paramedical personnel engaged in hospitals/dispensaries of Govt. of NCT of Delhi. The Hon'ble Court, having regard to the facts and circumstances of the cases, directed regularization of the petitioners against the posts on which they were originally appointed, with consequential pay fixation and other benefits, except back wages.

3. The aforesaid judgment was challenged before the Hon'ble Supreme Court in Civil Appeal No. 7837/2026 @ SLP(C) No. 17550/2026 @ Diary No. 16918/2026. The Hon'ble Supreme Court, vide order dated 14.05.2026, did not interfere with the direction regarding regularization, while protecting the seniority of persons regularly appointed during the intervening period.

4. The aforesaid judicial pronouncements necessitate greater caution at the stage of initial engagement itself. Prolonged continuation or repeated contractual engagement against regular posts or for functions of a continuing/perennial nature may result in potential long-term financial and legal liabilities. The said judgments, however, do not confer any general right to regularization upon contractual employees, nor dispense with the requirement of recruitment in accordance with the applicable Recruitment Rules.

5. Accordingly, the following instructions shall be strictly followed by all Departments under Govt. of NCT of Delhi in connection with the engagement of manpower :-

- i. Where a requirement relates to a regular or a continuing/ perennial function, the sanctioned post shall be filled through the regular recruitment process prescribed under the applicable Recruitment Rules, and continuous contractual engagement may not be used as



a substitute for regular recruitment.

- ii. In cases, where manpower is required for short term functions/services covered by the delegation contained in Finance Department's O.M. dated 02.09.2025, departments shall resort to engagement through the prescribed outsourcing mechanism and shall not make direct contractual appointments of individuals for such requirements.
- iii. Engagement, on outsourcing basis, shall be limited to sanctioned vacant posts.
- iv. In case of manpower engaged through an outsourcing agency, the wages payable shall not be less than the minimum wages notified by the Labour Department, GNCTD, for the relevant category of employment, as amended from time to time and as per the guidelines issued in this regard by Finance Department, GNCT of Delhi from time to time.
- v. Repeated extension/renewal of contractual engagement shall not be permitted to become a substitute for regular recruitment. Where a requirement continues beyond the initially approved period, the Department shall review the requirement and initiate action for filling the post through the prescribed regular recruitment process, wherever applicable.

6. Direct contractual engagement of individuals, by the Administrative Department, shall be resorted to only in exceptional cases where regular recruitment or engagement through the prescribed outsourcing mechanism is not applicable or feasible under the relevant rules/instructions and the nature of the requirement specifically warrants such engagement. Any proposal for such engagement shall contain clear and specific justification for adopting direct contractual engagement. Further, prior to placing the proposal before the competent authority, the Department shall specifically record on file the following:-

- a. the nature and duration of the requirement;
- b. whether the requirement relates to a sanctioned/regular post;
- c. the applicable Recruitment Rules and prescribed mode of regular recruitment;
- d. reasons why regular recruitment cannot presently be undertaken;
- e. whether the requirement falls within the scope of outsourcing under the Finance Department's O.M. dated 02.09.2025, if so, reasons for not adopting the outsourcing mechanism.
- f. the specific circumstances justifying direct contractual engagement and the financial implications, including the implications of any likely extension/renewal.
- g. Departments shall ensure that direct contractual engagement is not adopted routinely or merely for administrative convenience where

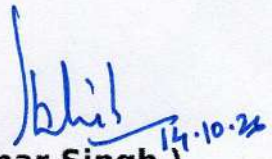


the requirement can appropriately be met through regular recruitment or the prescribed outsourcing mechanism.

7. These instructions are intended to ensure rule-based recruitment, proper manpower planning and financial prudence, while reducing the risk of avoidable litigation and consequential long-term liabilities, without affecting genuine temporary and emergent manpower requirements of the Government.

8. All Administrative Secretaries/Head of Departments shall ensure strict compliance with the above instructions while initiating and processing proposals for engagement of manpower.

This issues with the approval of the Competent Authority.


(Sandeep kumar Singh)
Special Secretary (Finance)

To

All the Addl. Chief Secretaries / Pr. Secretaries / Secretaries / HoDs,
Government of NCT of Delhi.

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Dated:

Copy to:

1. The Secretary to the Hon'ble Chief Minister, Government of NCT of Delhi.
2. The SO to Chief Secretary, Government of NCT of Delhi.
3. Pr. Secretary (Finance), Government of NCT of Delhi.
4. The Secretary (Services), Government of NCT of Delhi.
5. The Asstt. Director(IT), Finance Department, for uploading the OM on the website of Finance Department.
6. Guard file.