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

% **Date of Decision: 09.12.2025**

+ **W.P.(C) 18217/2025**

SHUBHAM VERMA

.....Petitioner

Through: Mr. Sourabh Prakash and Mr. Utsav Jain, Advs.

versus

CENTRE FOR DEVELOPMENT OF TELEMATICS C DOT AND
ORS

.....Respondents

Through: Mr. Rohit Dutta, Mr. Shyam Kishore Maurya and Ms. Ananya Jain, Ms. Akshita Gupta, AR for R-1
Mr. Abhinav Singh and Ms. Bharti Yadav, Advs. for R-2.
Mr. Abhishek Atrey and Mr. Navneet Gupta, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

1. The present petition has been filed by the petitioner seeking the following prayers: -

"A. immediately comply with all GRAP orders issued by the Commission for Air Quality Management in the premises of Respondent no.1 and ensure compliance in future;

B. Direct Respondent no.3 and 4 to inspect the premises of Respondent no.1 and grant permission for construction activity only after ensuring compliance of GRAP orders;

C. take appropriate action against the persons/officers responsible for the non-compliance of GRAP orders;

D. grant the Petitioner work from home until Respondent no.1 is able to certify that the air quality is within permissible range for indoor environment;

E. order that the period from 23.11.2025 until the Respondent no.1



certifies that the air quality is within permissible range for indoor environment, when the Petitioner has been unable to go to work but has offered to Work From Home be treated as on duty;

F. respond in a time bound manner, preferably within an hour, to all complaints made on Delhi Government's Green Delhi App;

G. Grant costs of this litigation."

2. The petitioner is a 'Scientist-E', employed with the respondent no.1 i.e., an autonomous telecommunications technology development centre, functioning under the administrative control, direct supervision and financial funding of Department of Telecommunication, Government of India.
3. The primary issue canvassed by the petitioner in the present petition is that the respondent no.1 in violation of the directions contained in Graded Response Action Plan (GRAP) issued by the Commission for Air Quality Management (CAQM)/respondent no.3, is undertaking construction and demolition activities in its premises. It is stated that the said activities are not only in contravention of the attendant guidelines but are non-essential activities causing dust inside the premises of respondent no.1, direct exposure of which, in an already prevalent hazardous Air Quality Index (AQI) is causing respiratory distress to the petitioner. It is further averred that since 21.11.2025, respondent no.3/CAQM has prescribed Work From Home (WFH) for atleast 50% of all employees of offices in Delhi, however, respondent no.1 has not complied with the said instructions as well.
4. It is pointed out that the petitioner had sent various formal representations/complaints to the concerned officials of respondents, however, to no avail.
5. Further, it is stated that on 23.11.2025, owing to the aforesaid conditions, the petitioner developed medical issues and has been advised by



doctor to “avoid dust and smoke exposure”. It is pointed out that although the petitioner highlighted the same to respondent no.1 and sought for WFH for a period between 23.11.2025 to 27.11.2025, the respondent no.1 did not respond. The petitioner contends that the said permission ought to have been considered by the respondent no.1 especially since he was eligible for WFH in terms of the attendant guidelines.

6. During the course of hearing on 08.12.2025, given the personal hardship emphasized by the petitioner, and to redress the immediate condition/concern of the petitioner, the respondent no.1 proposed to transfer the petitioner to its office in Bangalore. The aforesaid proposal has been recorded by this Court in order dated 08.12.2025 as under:-

“1. The present petition has been filed by the petitioner primarily alleging that the respondent no.1, in contravention with the directions issued by the Commission for Air Quality Management (CAQM), has neither stopped extensive construction and demolition activities inside the premises of respondent no.1 nor permitted its employees to work from home/remote work.

2. The petitioner is employed as ‘Scientist E’ with the respondent no.1 and is stated to be suffering from dust induced allergic respiratory reaction (allergic bronchitis) purportedly attributable to the hazardous workplace air quality condition caused due to the construction activities undertaken by the respondent no.1 in breach of the CAQM direction/s. 3. During the course of hearing, learned counsel for the respondent no.1 submits that if the petitioner is aggrieved on account of the existing Air Quality condition in Delhi and/or alleged non-compliance by the respondent no.1 with the direction/s issued by the Commission for Air Quality Management (CAQM), the respondent no.1 is willing to transfer the petitioner to its office in Bangalore. It is further emphasised by the learned counsel for the respondent no. 1 that the same would redress the immediate concerns / condition of the petitioner.

4. Learned counsel for the petitioner seeks some time to take instructions.

5. List on 09.12.2025.

6. Let a copy of this order be given dasti under the signatures of the



Court Master.”

7. Today, during the course of proceedings, learned counsel on behalf of the petitioner, on instructions, informs that due to personal exigencies, the petitioner is not desirous of being transferred to the office of respondent no.1 situated in Bangalore.

8. In the circumstances, the present petition has been taken up for further consideration.

9. The petitioner essentially seeks that the respondents be directed to immediately ensure compliance with all GRAP (Graded Response Action Plan) orders issued by the Commission for Air Quality Management (CAQM) in the premises of the respondent no.1. For ensuring the aforesaid compliance, the petitioner seeks directions for inspection of the said premises by competent authorities. It has been further sought that the petitioner be granted permission to work from home until respondent no.1 is able to certify that the air quality is within the permissible range for indoor environment and that for the period from 23.11.2025 until the aforesaid certification, the petitioner be treated as being on duty even when he has not been able to physically report to work.

10. This Court is not persuaded with the contentions made on behalf of the petitioner.

11. Notably, the Graded Response Action Plan (GRAP) and the attendant guidelines are in the nature of regulatory measures stipulated to address polluting activities and empower the regulatory authorities (CAQM and DPCC) to issue necessary directions. No doubt, the said regulatory measures are required to be implemented scrupulously. However, the same cannot be



construed as conferring rights on central government officials / employees against their employers in derogation of their service conditions.

12. The objective behind implementation of GRAP cannot be construed as to create an enforceable personal right upon individual employees. It rather confers an obligation upon institutions/authorities/citizens to adhere to and support in maximizing, as far as practicable and feasible, the implementation of the pollution-mitigating solutions stipulated thereunder.

13. It is noticed that the relevant stipulations regarding work from home in the GRAP guidelines issued by respondent no.3, made applicable w.e.f. 21.11.2025 provide as under:-

“4. The Commission, through its Sub-Committee on GRAP had detailed consultation on 20.11.2025 with the stakeholders concerned on the issue of proposed amendments in the schedule of GRAP and agreed to make the following amendments in the schedule of GRAP:

.....

*C. The following measures currently under **GRAP Stage IV** to be taken under **GRAP Stage III**:*

(1) NCR State Governments / GNCTD to take a decision on allowing public, municipal and private offices to work on 50% strength and the rest to work from home;

(2) Central Government may take appropriate decision on permitting work from home for employees in central government offices.”

14. The contention of the petitioner that he is entitled to work from home in terms of the aforesaid guidelines is misplaced inasmuch as a perusal of the paragraph 4(C)(2) of the aforesaid guidelines dated 21.11.2025 reveals that the same vests a discretionary and not a mandatory obligation upon the central government to take an appropriate decision for permitting its employees to avail the work from home facility.



15. Further, in any case, work from home facility (in terms of the modification order dated 21.11.2025) has to be implemented under GRAP Stage III, invocation of which *vide* an order dated 26.11.2025, issued by the CAQM has been revoked by the concerned sub-committee with immediate effect. The relevant portion of the said order dated 26.11.2025 reads as under: -

*“4. The Sub-Committee, accordingly, decided to **revoke its orders dated 11.11.2025**, for invoking actions under **Stage-III** ('Severe' Air Quality) of Schedule of GRAP (modified on 21.11.2025), with immediate effect.*

5. Construction & Demolition project sites etc. which have been issued specific closure orders on account of violations / non -compliances of various statutory directions, rules, guidelines etc. under no circumstances shall resume their operations without any specific order to this effect from the Commission.

6. Actions under Stage-I & II shall, however, remain invoked and be implemented as per the modified GRAP dated 2 1.11.2025 (copy enclosed), monitored and reviewed by all the agencies concerned in the entire NCR to ensure that the AQI levels do not slip further to the "Severe/ Severe+ Category". All implementing agencies shall keep strict vigil and especially intensify measures under Stage -I & II of the modified GRAP.

7. While GRAP Stage -III is being revoked, keeping in view the winter season when weather conditions are not so favorable and in order to ensure that the AQI levels do not slip further, the citizens are requested to strictly adhere to the citizen charter under GRAP Stage-I & II.”

16. In any event, there is no occasion for issuance of a *mandamus* for effectively altering applicable service condition/s in the guise of compliance with GRAP orders. As such, no merit is found in the present petition.

17. However, in light of the medical exigencies cited by the petitioner, should the petitioner's health condition so warrant, he shall be at liberty to request his employer / respondent no.1 for being transferred out of Delhi. The respondent no.1 shall make an endeavour to favourably consider the



said request.

18. The petition is disposed of in the above terms.

SACHIN DATTA, J

DECEMBER 9, 2025/cl,sl