

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

CP NO. 416/2001
OA NO. 2011/2000

(23)

New Delhi, this the 12th day of December, 2001

HON'BLE SH. V.K.MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Dr. Anupreet Batra
W/o Dr. Sandeep Batra
H.No.E-9/7, Malviya Nagar,
New Delhi-110 017.

...Applicant

(By Advocate: Sh. Vibhu Shankar)

Versus

1. Shri R. Chander Mohan
Medical Secretary,
Government of National Capital
Territory of Delhi, 9th Floor,
New Secretariat, Near ITO,
New Delhi.
2. Shri M.M. Bajaj
Administrative Officer (Health)
Government of National Capital
Territory of Delhi, 9th Floor,
New Secretariat, Near ITO,
New Delhi.
3. Dr.N.D. Baishya
Director Medical Services,
Government of National Capital,
Territory of Delhi, E-Block,
Sarasvati Bhavan,
Connaught Place,
New Delhi.
4. Dr. Rajeev Kumar Gupta
Medical Superintendent,
Malviya Nagar Colony Hospital,
Malviya Nagar,
New Delhi. Respondents

(By Advocate: Sh. Harvir Singh)

O R D E R (ORAL)

By Sh. V.K.Majotra, Member (A)

Heard counsel for the applicant.

2. OA-2011/2000 was decided by order dated 7.5.2001 with the following observations/directions of the Tribunal:-

"On the basis of the above understanding, we



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are inclined to allow the OA in part by directing the respondents to find a place for the applicant, if necessary by dislodging the junior-most in the list of general category CAS (Dental) forming part of the aforesaid order. This will, however, be subject to the aforesaid junior-most being in turn found to be junior to the applicant. We will also like to direct the respondents to ensure that in the event of the applicant's appointment, orders will be passed by the competent authority wholly in accordance with the orders placed at Annexure A-5 and the latest order supplied to us by the learned counsel for the applicant. In other words, the orders to be passed in the case of the applicant will contain the stipulation that she would continue in service for a period of one year or until the post occupied by her is filled by a regular candidate whichever was earlier. We further direct the respondents to pass a speaking and a reasoned order in the event of the decision to be taken by them being adverse to the applicant. Action as required in terms of the aforesaid directions will be completed by the respondents in a maximum period of two months from the date of receipt of a copy of this order.

The OA is partly allowed in the aforesated terms. No costs."

3. Learned counsel stated that whereas the respondents have continued with the services of the applicant's juniors they have terminated the services of the applicant and passed orders dated 8.10.2001 (Annexure R-1) which is against the observations/directions of this Court. The learned counsel also pointed out that the counter affidavit on behalf of the respondents has been filed by Dr. B.S.Banerjee, Additional Secretary and not by Sh. R.Chandermohan, Secretary (Health), Govt. of NCT.

4. Learned counsel for respondents explained that as Sh. R.Chandermohan has been transferred and Dr. Banerjee holds the current charge of the post of Additional Secretary in the Govt. of NCT, the affidavit has been filed by him. We do not

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find any fault. From Annexure R-1 which are the orders passed by the Govt. of NCT of Delhi in pursuance of Tribunal's orders dated 7.5.2001, we find that the respondents have passed a detailed and speaking order which was permissible as per the directions of this Court. If the applicant is aggrieved by this order, the same cannot be challenged in a contempt petition. This order has given a fresh cause of action to the applicant, which can be raised in a fresh OA. The contempt petition is dismissed. Notices to the respondents are discharged.

K.S.
(KULDIP SINGH)
Member (J)

'sd'

V.K. Majotra
(V.K. MAJOTRA)
Member (A)