



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**C.P. No. 220/2020
In
O.A.No. 3744/2015**

New Delhi, this the 8th day of April, 2021

**Hon'ble Sh. A.K. Bishnoi, Member (A)
Hon'ble Sh. R. N. Singh, Member (J)**

1. Raju
D/o Sh. Babu Singh
R/o Bagu Road, Kirti Nagar,
Gali No. 6, House No. 423/2,
Shiv Mandir Wali Gali, Sirsa Haryana,
Name of the Post: Primary Teacher
Department: Government of NCT of Delhi
Age : 37 years
 2. Deepak Kumar
S/o Sh. Om Prakash
R/o Bagu Road, Kirti Nagar,
Gali No. 6, House No. 423/2,
Shiv Mandir Walu Gali,
Sirsa, Haryana.
Name of Post: Primary Teacher
Department: Government of NCT of Delhi
Age : 38 years
- ... Petitioners

(Through advocate- Shri Ajesh Luthra)

Versus

1. Sh. Vijay Kumar Dev
Chief Secretary
Government of NCT of Delhi
A Wing, 5th Floor,
Delhi Secretariat, I.P. Estate,
New Delhi.
 2. Shri Santosh D. Vaidya
Chairman
Delhi Subordinate Services Selection Board (DSSSB)
F-18, Karkardooma Institutional Area,
New Delhi-110092
- ... Respondents

(Through advocate- Ms Esha Mazumdar)



O R D E R (O R A L)

Hon'ble Mr. R.N. Singh, Member (J)

The present CP has been filed by the petitioners alleging wilful defiance of directions of this Tribunal in Order/Judgment dated 01.10.2019 (CP/X-1) in the aforesaid OA. The operative paras, i.e., paras 5 & 6 of the said order/judgment read as under:-

*“5. We have gone through the order/judgement dated 30.07.2019. Learned counsel for respondents fairly submits that the claim of applicants is covered by the judgement of Hon'ble High Court of Delhi in the matter of **Deepak Kumar (supra)**.*

*6. In view of the facts and circumstances, without going into the merits of the claim of the applicants, we dispose of the OA with the direction to the Respondent No. 2 to re-visit the impugned order dated 22.01.2013 and consider the claim of the applicant in the light of order/judgement dated 12.09.2012 of Hon'ble High Court of Delhi in the matter of **Deepak Kumar (supra)** as well as the order/judgment dated 30.07.2019 of this Tribunal in the matter of Dinesh(supra) and to pass an appropriate reasoned and speaking order within a period of eight weeks from the date of receipt of a certified copy of this order.”*

2. In response to the notice from this Tribunal, the respondents have filed compliance affidavit in December 2020 followed by another compliance affidavit on



08.03.2021 enclosing therewith the order dated 08.03.2021.

3. We have heard the learned counsels for parties and we have also perused the pleadings on record. It is not in dispute that the respondents have considered the claim of the applicant keeping in view statements made and recorded in para 5 of the aforesaid Order/Judgment. It is also not in dispute that the respondents have passed the order dated 08.03.2021, pursuant to the directions of this Tribunal in the aforesaid Order/Judgment.

4. However, Shri Ajesh Luthra, learned counsel for petitioners, submits that their compliance order is not in true letter and spirit of the Order/Judgment of this Tribunal in ***Dinesh & Ors. vs. Govt. of NCT of Delhi & Ors.*** in OA No.913/2016 decided on 30.07.2019.

5. However, in the facts and circumstances, and in view of the law laid down by the Hon'ble Apex Court in ***J.S. Parihar v. Ganpat Duggar and others*** [(1996) 6 SCC 291], we are of the considered view that the applicants/petitioners shall have a fresh cause of action, if any, in view of the respondents' order dated 08.03.2021 and no further direction can be given by this Tribunal in the present proceedings.



6. Accordingly, CP is closed. Notices are discharged. However, the petitioners shall be at liberty to challenge the respondents' aforesaid order dated 08.03.2021 in accordance with law, if so advised.

(R. N. Singh)
Member(J)

(A.K. Bishnoi)
Member (A)

ravi/anjali/neetu/shilpi