

**Central Administrative Tribunal
Principal Bench, New Delhi**



**CP No. 231/2020
O.A. No. 2425/2015
MA No. 63/2021
MA No. 2295/2020**

This the 08th day of January, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Sarvan Kumar,
S/o late Khushali Ram,
Aged 32 years,
Working as Peon (Class-IV)
R/o HK-193, Street No.4,
Gautam Vihar, Delhi-53

... Applicant

(through , Mrs. Sriparna Chatterjee, Advocate)

Versus

1. Sanjeev Kherwal,
Secretary,
Directorate of Gurdawar Election
Govt. of NCT of Delhi,
F-Block, Vikas Bhawan,
IP Estate, New Delhi-110 002
2. Ankita Chakrabarty,
Through Special Secretary (Services)
Govt. of NCT of Delhi,
Service Department (Branch-IV)
7th Level, B-Wing, Delhi Secretariat,
IP Estate, New Delhi-110 002

... Respondents

(through , Ms. Esha Mazumdar Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:

This Contempt Petition is filed alleging that the respondents did not implement the directions issued by this Tribunal through its order dated 05.05.2016 in OA No. 2425/2015. The direction was that the respondents shall continue to avail the services of the applicant as Peon (Class-IV employee) on the same terms and conditions, as contained in Annexure R3 Memorandum dated 18.02.2013 till the vacancy, against which the applicant is working, is filled up on regular basis.

2. It is stated that the respondents have engaged several persons through outsourcing mechanism from 31.08.2020 and 23.10.2020 and that in the recent past, the applicant was transferred to another place. According to the applicant, he is being treated on par with the persons engaged through outsourcing agency.

3. The respondents filed a detailed counter affidavit. It is stated that they have no intention to discontinue the applicant from the existing arrangement and the applicant did not join the place to which he was transferred, so far.

4. We heard Mrs. Sriparna Chatterjee, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents.

5. The only direction issued in the OA was that the applicant shall not be discontinued from the existing arrangement till the regular appointment is made. It is not even alleged that the applicant was replaced or discontinued. His grievance is only that he is being shifted to another establishment. When a regular employee can be transferred to any other establishment, it is just an understandable as to what objection the applicant can have.

6. We, therefore, close the CP. It is, however, made clear that the applicant can certainly approach the Tribunal in case he is discontinued from service in contravention of the order passed in the O.A.

7. Pending MAs shall also stand disposed of.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/pj/sunil/jyoti/ankit/