

**Central Administrative Tribunal
Principal Bench**

**CP No.174/2016
in
OA No.4246/2015**

New Delhi, this the 7th day of October, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. V.N. Gaur, Member (A)**

1. Ganesh Bhambu s/o Purkha Ram Bhambu
Age 32 years
Address 140, Shree Krishan Nagar
Near Ashok Uddan Pal Road
Jodhpur-Rajasthan
2. Harish Jangir s/o Purshottam
Age 27 years
Vill. Post Saidpur
Teh. Buhane
Distt. Jhunjhunu
Rajasthan 333516
3. Ashok Kumar s/o Daya Ram
Age 27 years
Address 4/52, Veena Enclave
Near Rajdhani Park,
Nangloi 41.
4. Santu Kumari d/o Sagar Mal Saundalia
Age 28 years
address Village Ganeshpura
Post Dukiya via Palsana
Distt. Sikar (Rajasthan)
5. Ramswaroop Bhuria s/o Ghisa Ram Bhuria
Age 30 years
Address: Vill Bhurio Ka Bas
Post Lalasi, Teh. Laxmigarh
Distt. Sikar 332315
6. Deep Chand s/o Mool Chand
Age 28 years
Address: VPO Ghasoli
Teh. Kishan Garh, Bass
Distt. Alwar (Rajasthan)

7. Elia Kim d/o M. Khangin
Age 28 years
Address : RN 397 Krishi Bhawan
Dr. Rajendra Prasad road
New Delhi-1
8. Betty Louis d/o T A Louis
Age 28 years
Address: Thekkiniyath House
Kerikkara PO Vandiperiyar
Kerala
9. Alka d/o Laxmi Narayan
Age 28 years
Address: 27/222, VPO Ranikhera
Delhi.
10. Rekha Joshi s/o late Mr. Prajapati
Age 30 years
Address: H.No.731, Shanti Samiti
Tahirpur, Delhi
11. Anumol Chacko d/o Chacko VM
Age 28 years
Address: H.No.131
DDA Janta Flat (OLD) Chilla
Mayor Vihar, Phase I
Delhi-96.
12. Mahesh Kumar Verma
s/o Puran Mal Bunker
age 27 years
Address: VPO Ghasipura
Teh. Shahpura, Jaipura (Rajasthan)
13. Swati Hardy d/o Natananiel Hardy
Age 26 years
Address: A-40, 2nd Floor
Bhagat Singh Gali
Fazalpur Mandawali
Delhi-92
14. Meenakshi Gupta d/o Chander Prakash Gupta
Age 29 years
Address: H. No.400/2, Line Par

GN-7, New Patel Park
Bahadur Garh, Distt. Jhajjar (HR)

15. Detty Joseph d/o VM Joseph
Age 29 years
Address: Valtappillil House
Thadiumpadu, PO Perumkala Idukki
Distt. Kerala 685602
16. Swati Sahu s/o Hari Om Rathore
Age 29 years
Address: Flat No.F2
Building No.B-11, DLF Dilshad Ex -II
Bhopura Sahibabad
Ghaziabad, UP 201005
17. Shyam Lal Vishnoi s/o Gola Ram
Age 28 years
Address: Hem Nagar
VIP Joliyalee, Jodhpur
Rajasthan
18. Avinash Yadav s/o Satveer Singh
Age 27 years
Address: VPO Anhawas
Teh. Behror, Distt. Alwar 301703
19. Monika Yadav d/o Iswar Singh
Age 24 years
Address: H.No.118, Vill Hasanpur
Najafaroh, New Delhi-73
Post Office Ujwa
20. Manu Mary Jose d/o Jose Varkey
Age 29 years
Address: Piriyannmakal
Ezhokumvayal, Idukki
Kerala 685553
21. Amrit Prasad s/o Gautam Prasad
Age 26 years
Address: 36, Vyas Colony
Nawa City, Distt. Nagur 341509

22. Anuj Prasad s/o Gautam Prasad
Age 26 years
Address: 36, Vyas Colony
Nawa City, Distt. Nagur 341509
23. Shalini d/o Vijay Kumar
Age 28 years
Address: F-66, Shyam Vihar
Part I, Near Deendarpur
Misali Devi Gyam Public School
Najafgarh-43
24. Swapna S d/o T M Swayamvaran
Age 29 years
Address: D-25, MCD Flat's
Banglow Road, Kamla Nagar
Delhi-7
25. Priyanka d/o Ramphal Singh
Age 24 years
Address: H.No.131
Ishwar Colony, Bawana
Delhi-39
26. Jyoti d/o Kuldeep
Age 23 years
Address: B-2/1, Street No.8
Jagatpuri Extn., Delhi-93
27. Sweeti d/o Umed Singh
Age 26 years
Address: Mundela Khurd
New Delhi-73
28. Preeti Rani d/o Karan Singh
Age 31 years
Address: E/161, Krishna
Gali No.4, East Babarpur
Shahdara, Delhi-32
29. Sonia Rana d/o Rajendra Singh
Age 28 years
Address: C-9/113
Yamuna Nagar, Delhi
30. Lekhraj Gupta s/o Suresh Chand Gupta

Age 26 years
 Address: Vill Sapotra
 Distt. Karauli (Rajasthan)

31. Kamlesh Saini d/o Panni Lal Singh
 Age 26 years
 Address: Holi Mohalla
 Ram Garh, Alwar (Rajasthan)
32. Dinesh Kumar s/o Shankar Lal
 Age 28 years
 Address: Gulab Singh Haveli
 v/p Sindhori, Distt. Barmer (Raj.)
33. Jyoti Kanwar d/o Mohan Singh
 Age 27 years
 Address: H.No.21, Riddhi Nagar
 Maharana Pratap Marg
 Panchyawala, Jaipur (Raj.)
34. Manoj Kumar Meena s/o Shiv Charan Meena
 Age 29 years
 Address: V/P Piloda
 Teh. Gangapur City
 Distt. Sawai Madhopur, Rajasthan
35. Samay Singh Bairwa s/o Shiv Lal Bairwa
 Age 28 years
 Address: Village Rampura
 Post Morda, Teh. Todabhim
 Karoli, Rajasthan
36. Shahbaz Khan s/o Mr. Manzoor Ahmad Khan
 Age 25 years
 Address: 7-B-43
 44 Vigyan Nagar Extn.
 Kota, Rajasthan 324005
37. Javed Jilani s/o Abdul Salam
 Age 26 years
 Address: 56-A, Pragati Naga
 Bajrang Nagar, Police Line
 Kola (Raj.)

(By Advocate : Mrs. Avnish Ahlawat)

Applicants..

Versus

1. Sh. Praveen Kumar Gupta,
Commissioner,
North Delhi Municipal Corporation
4th Floor, Room No.401,
Dr. S.P. Mukherjee Civic Center,
2. Sh. Louis Daniyal,
Administrative Officer (Health),
12th Floor, Dr. S.P. Mukherjee Civic Center.
3. Dr. Ajeet Kumar Goel,
Medical Supdt. Hindu Rao Hospital,
Room No.104, 1st Floor, G-Block,
Hindu Rao Hospital.

Respondents..

(By Advocate : Shri R.N. Singh with Mr. Manjeet Singh Reen)

ORDER (ORAL)

Mr. Justice Permod Kohli, Chairman:

MA No.3021/2016

Through the medium of this MA, respondent No.1 seeks exemption from personal appearance in view of compliance of Judgment as per accompanying order dated 19.09.2016. The main CP which is listed on 19.10.2016 is preponed and taken up on board today.

2. These contempt proceedings have been initiated for non compliance of the direction contained in order dated 25.02.2016

passed in OA No.4246/2015. This Tribunal while disposing of the OA passed the following order:-

“5. In view of the aforementioned arguments put forth by the learned counsels for the parties, the OA stands disposed of in terms of the order passed in OA No.4402/2015 dated 03.02.2016 (supra). It is made clear that the 34 sanctioned posts shown as vacant in different hospitals of MCD should be utilised to accommodate the applicants on contract basis with due regard to the order of this Tribunal relied upon by the respondents. No costs.”

3. Admittedly, there has been non compliance for considerable period. The respondents have now filed compliance affidavit. The aforesaid judgment passed by this Tribunal was challenged before the Hon'ble High Court of Delhi in WP(C) No.4705/2016. The said Writ Petition was dismissed on 27.05.2016. The respondents preferred a Special Leave Petition being SLP No.25199/2016. This SLP was also dismissed on 05.09.2016. However, while dismissing the SLP, Hon'ble Supreme Court granted three weeks time to the respondents to comply with the orders of this Tribunal. It is under these circumstances that this Tribunal vide order dated 08.09.2016 directed personal appearance of the respondent No.1, as the orders had not been complied with within three weeks, as allowed by the Hon'ble Supreme Court.

4. A fresh affidavit dated 03.10.2016, has been filed accompanied with the Memorandum dated 19.09.2016. Relevant part of it regarding engagement of the applicants reads as under:-

“1. The engagement is purely on contract basis for a period of 06 months **or till such time the posts are filled up on regular basis from DSSSB whichever is earlier.** The engagement being purely temporary can be terminated without assigning any reason or giving any notice.”

5. From the reading of the aforesaid Memorandum, it appears that the contractual engagement of the applicants has been made for a period of six months or till such time the posts are filled up on regular basis from DSSSB whichever is earlier. The spirit of the judgment dated 25.02.2016 is that the contractual arrangement is to continue till the regular appointments are made and vacancies are available. However, the condition incorporated in the aforesaid Memorandum “whichever is earlier” is not in consonance with the directions of the Tribunal.

6. Shri R. N. Singh, learned counsel for the respondents submits that these directions shall not be binding upon the applicants and their contractual arrangement shall continue till the regular appointments are made.

7. Mrs. Avnish Ahlawat, learned counsel appearing for the applicants submits that applicants were wrongfully disengaged after passing of the final judgment in the aforesaid OA though they were

visiting the office. That is not the issue before us and hence, no comment can be made on that.

8. In this view of the compliance, nothing survives in this contempt petition, proceedings dropped.

9. In view of the dropping of contempt proceedings, no order is required to be passed in MA No.3021/2016, disposed of accordingly.

(V.N. Gaur)
Member (A)

(Justice Permod Kohli)
Chairman

‘rk’