

**Central Administrative Tribunal  
Principal Bench**

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

New Delhi, this the 7<sup>th</sup> day of October, 2016

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

1. Ganesh Bhambhu s/o Purkha Ram Bhambhu  
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, 2<sup>nd</sup> 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  
Najafarh, New Delhi-73  
Post Office Ujwa
20. Manu Mary Jose d/o Jose Varkey  
Age 29 years  
Address: Piriyanmmakal  
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 Biarwa  
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.)

Applicants..

(By Advocate : Mrs. Avnish Ahlawat)

**Versus**

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

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