

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI**

**Contempt Petition No.206/2015 in  
OA No.215/2014**

RESERVED ON: 15.01.2016  
PRONOUNCED ON : 21.01.2016

**HON'BLE MR. A.K. BHARDWAJ, MEMBER (J)  
HON'BLE MR. P.K. BASU, MEMBER (A)**

Dr. Ankur Agarwal,  
S/o Dr. B.D. Agarwal  
R/o 509, Arun Vihar,  
Sector-37, Noida ...Applicant

(Through Ms. Monica Kapoor, Advocate)

## VERSUS

1. Mr. Deepak Mohan Spolia  
The Chief Secretary  
The Govt. of NCT of Delhi  
5, Sham Nath Marg, Delhi
2. Mr. S.C.L. Das,  
The Principal Secretary  
Ministry of Health and Family Welfare  
Govt. of NCT of Delhi  
9<sup>th</sup> Floor, A – Wing, Delhi Secretariat  
New Delhi

(Through Shri N.K. Singh for Mrs. Avnish Ahlawat, Advocate)

## ORDER

Mr. P.K. Basu, Member (A)

This Contempt Petition (CP) has been filed by the applicant alleging that the respondents have wilfully and deliberately disobeyed the Tribunal's directions dated 27.01.2014, which reads as follows:

"In the meantime, the respondents would not fill-up the post occupied by the applicants."

Disobedience of the Tribunal's direction dated 29.08.2014 has also been alleged, which reads as follows:

"In the meantime, the respondents are directed to continue the services of the applicant on contractual basis till the applicant is replaced by a regularly appointed staff."

2. It is alleged by the applicant that he was allowed to work till 24.09.2014 but thereafter he was asked not to come to office; neither was he given any relieving order. It is claimed that he had worked from 1.09.2014 to 25.09.2014 but no salary was paid to him. This continued till 1.01.2015 when the applicant made a request to the respondents to release salary but the respondents neither allowed him to work nor paid him his salary. According to the applicant, in such a situation, he was compelled to leave the job and vide letter dated 16.02.2015, he requested the Medical Superintendent to issue him Work Experience Certificate. It is alleged that by disobeying the Tribunal's directions, the respondents have committed contempt of court.

3. In their reply, the respondents have stated that the OA had been filed when the Union Public Service Commission (UPSC) had issued advertisement to fill up the vacant posts through direct recruitment and one Dr. Vivek Kumar Pathak, Specialist Grade III (Ortho) was selected. He joined on

3.05.2014 after completing the formalities. The order dated 29.08.2014 is after the said Dr. Pathak had joined on 3.05.2014 and, therefore, the applicant's contract which was coming to an end on 31.08.2014 was not extended beyond that. It is, therefore, contended that since the Tribunal had also directed that contractual employees could be replaced only by regularly appointed staff, there has been no disobedience of the Tribunal's directions and no contempt lies against the respondents.

4. All that we had directed in our order was that the contractual employees be replaced only by regularly appointed persons. We are satisfied with the explanation provided by the respondents that only when the services of a regular incumbent were available on 3.05.2014, the applicant's services were discontinued. That too allowing him to continue till 31.08.2014. We are convinced that there has been no attempt by the respondents to flout the Tribunal's directions. Rather we deprecate the attitude of the applicant that he has involved the hospital in this frivolous litigation, obviously just to harass his earlier colleagues as they could not retain him on their rolls. As a result, doctors, who should be busy handling patients, had to waste their time defending themselves before this Tribunal in a frivolous litigation leading to loss of man-hours and cost to the public exchequer. We impose a cost of Rs.25,000/- (Rupees twenty five thousand only) on the applicant to be paid to the respondents.

5. With the above directions, the CP is dismissed and notice discharged.

( P.K. Basu )  
Member (A)

( A.K. Bhardwaj )  
Member (J)

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