

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

**C.P. No.221/2018 In  
O.A No.3447/2017**

**Reserved On:10.04.2018  
Pronounced on:12.04.2018**

**Hon'ble Mr. V. Ajay Kumar, Member (J)**  
**Hon'ble Ms. Nita Chowdhury, Member (A)**

1. Sh. Avinash Kumar,  
Aged about 35 years  
S/o Sh. Kapil Deo Prasad Singh,  
R/o G-55, First Floor, Laxmi Park,  
Near Saini Chowk Nangloi,  
New Delhi-110041.
2. Pallavi Vashisht  
Aged about 26 years  
S/o Sh. Dinesh Kumar Vashisht,  
R/o H. No. 144, Vashisht Vihar, Burari,  
Delhi-110084.
3. Sh. Vaneet Kumar Bhardwaj  
Aged about 32 years  
S/o Diler Singh,  
R/o 59-DLIG/DDA, Flat Gulabi Bagh,  
Delhi-110007.
4. Sh. Rahul Sharma,  
Aged about 30 years  
S/o Sh. Rajesh Sharma  
R/o F-133, Dharam Pura, Najafgarh,  
New Delhi-110043.
5. Sh. Dinesh Kumar Vats,  
Aged about 38 years  
S/o Sh. Kartar Singh,  
R/o House No .56,Village Tetesar,  
Post Office Jounti Delhi-110081.
6. Sh. Kawaljit Kaur  
Aged about 40 years  
S/o Sh. Baldev Singh  
R/o B-15, TypeII, ESI Colony,  
Rohini Sector -15, Delhi-110089.

7. Sh. Ashwani Kumar,  
Aged about 34 years,  
S/o Sh. Sukhbir Singh  
R/o RZ-62, Mahindra Park Pankha Road,  
Uttam Nagar, Delhi-110059.
8. Praveen Kumar Mittal,  
Aged about 39 years  
S/o Sh. Krishan Kumar Mittal  
R/o H-9/A, PH-I, Budh Vihar  
Delhi-110086.
9. Gunjan Jain,  
Aged about 30 years  
D/o Sh. Rishabh Kumar Jain  
R/o G-4/65, IInd Floor  
Sector-16, Rohini Delhi-110089
10. Kirti Sharma  
Aged about 29 years  
W/o Admit Sharma  
R/o D-983, Street No.7, Nathu Pura,  
Delhi-110084.
11. Simmi Gupta,  
Aged about 32 years  
W/o Amit Gupta  
R/o 23/19, Street No.5,  
Surender Colony,  
haroda Burari, Delhi-110084. ..Petitioners

All the petitioners working as Jr.  
Radiographer in Group –“ C”

(By Advocate: Mr. Amit Anand)

### **Versus**

Union of India through

1. Smt. M. Sathiyavathy  
Secretary,  
Ministry of Labour  
Sharam Shakti Bhawan,  
New Delhi-110001.

2. Shri Raj Kumar, IAS  
Director General  
Employees State Insurance Corporation,  
Panchdeep Bhawan, C.I.G. Road,  
New Delhi.
3. Dr. Anshu Chhabra,  
Director,  
E.S.I.C. Hospital,  
Rohini Sector -15. Delhi-110089
4. Dr. R.K. Julka,  
Director,  
E.S.I.C. Hospital,  
Jhilmil Colony, Delhi-110032. ....Respondents

### **ORDER**

**By Mr. V. Ajay Kumar, Member (J)**

OA No.3447/2017 filed by the petitioners was disposed of by this Tribunal on 28.09.2017 (Annexure CP-I), as under:-

“4. In these circumstances and in view of grant of the same relief to the identical persons, this OA is disposed of without going into other merits of the case, by directing the respondents to consider the Annexure A-1 (colly) representation dated 17.07.2017 of the applicants keeping in view the various judgments attached alongwith the OA and to pass an appropriate reasoned and speaking order thereon within 90 days from the date of receipt of a certified copy of this order. No costs”.

2. Alleging non-implementation of the aforesaid orders, the petitioners filed the present CP No.221/2018.
3. It is seen from the CP record that the respondents, in compliance of the orders of this Tribunal in OA, have passed a Speaking Order on 14.11.2017 (Annexure CP-2) and rejected the claim of the petitioners by giving certain reasons.
4. Shri Amit Anand, the learned counsel for the petitioners while not disputing the fact of passing of the Speaking Order on 14.11.2017 by the respondents, however, submits that since the

reasons given therein are illegal, arbitrary and against to the facts and settled principles of law and of various decisions of this Tribunal, the same amount to contempt of the orders of this Tribunal and accordingly prays for punishing the respondents-contemnors.

5. A perusal of the orders of this Tribunal in OA clearly indicates that the OA was disposed of summarily at the admission stage without hearing the other side and without giving any opportunity to them to file any counter. The only direction given by the respondents was to consider the representation of the petitioners in view of the various judgments attached with the OA, i.e. what the respondents actually did. Hence, we are satisfied that the respondents have complied with the orders of this Tribunal.

6. In the circumstances and in view of the substantial compliance of the orders of this Tribunal by the respondents, we do not find any merit in the CP and accordingly the same is dismissed. However, the petitioners are at liberty to question the orders now passed by the respondents, if they are so advised, in accordance with law. No costs.

**(NITA CHOWDHURY)**  
**MEMBER (A)**

**(V. AJAY KUMAR)**  
**MEMBER (J)**

RKS