

**Central Administrative Tribunal  
Principal Bench**

**CP No.562/2016 in  
OA No.2281/2016**

New Delhi, this the 14<sup>th</sup> day of March, 2017

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

1. Dr. Ajay Gupta, Aged 61 years  
Director-Professor(Orthopeadics)  
Maulana Azand Medical College  
Delhi, R/o D-II/315, Pandara Road  
New Delhi.
2. Dr. P.K. Rathore, Aged 55 years  
Director-Professor(ENT)  
Maulana Azad Medical College  
R/o 108 IRCON, Sector-18A, Dwarka  
New Delhi-110078. ..Applicants

(By Advocate: Shri Suhail Sehgal)

**Versus**

Dr. D.K. Tempe, Aged 62 years, Dean  
Maulana Azad Medical College  
Bahadur Shah Zafar Marg  
New Delhi-110002. ..Respondent

(By Advocates: Shri N.K. Singh for Ms. Avnish Ahlawat and  
Shri Rajeev Kumar)

**ORDER (ORAL)**

**Justice Permod Kohli, Chairman :-**

This Contempt Petition has been filed for alleged violation  
of the interim order dated 15.07.2016 whereby this court  
passed the following order:-

"Learned Sr. counsel, inter alia, contended that the Central Government is the cadre controlling authority of the applicants in view of the Central Government Health Services Rules, 2014 (Annexure A/8) and the Delhi Government has no power/jurisdiction to transfer/repatriate them vide impugned order dated 12.07.2016 (Annexure A/I). In support of her contention, she has placed reliance on an order dated 22.01.2010 in O.A 2026/2009 of this Tribunal.

Heard.

Issue notice to the respondents returnable on 29.07.2016.

Meanwhile, the operation of the impugned order dated 12.07.2016 (Annexure A/I) is hereby stayed."

2. The order stayed by this Tribunal is a repatriation order. Apart from staying the repatriation order, no further directions were issued.

3. In the present Contempt Petition, it is alleged that the respondents have appointed one Dr. V.K. Gautam, Director Professor, Department of Orthopaedics and Dr. Ishwar Singh, Director Professor, Department of ENT, MAMC as Heads of department of Orthopaedics and ENT, MAMC respectively. It is alleged that this order has been passed in violation of the court order dated 15.07.2016. It is contended on behalf of the applicants that since the repatriation order was stayed, the natural corollary is that the applicants in the present contempt should get the post

of HOD. We do not accept this contention. There is no direction by this Tribunal to appoint the applicants as the HOD. This court only stayed the repatriation of the applicants. We do not feel that the order dated 24.09.2016(Annexure CP-3) passed by the respondents is in violation of this Tribunal's order. The Contempt Proceedings are dropped. Notice issued to the alleged contemnor is discharged.

**( K.N. Shrivastava)**  
**Member(A)**

/vb/

**(Justice Permod Kohli)**  
**Chairman**