

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

CP No.596/2015 in
OA No.2543/2015

Order reserved on: 21.03.2016
Pronounced on: 03.05.2016

**Hon'ble Mr. Sudhir Kumar, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)**

1. Sushil Kumar,
S/o Sh. Kuber Dutt Ojha,
R/o Flat No.:-102-C, C-6A Block
Janakpuri, New Delhi.
2. Santosh Kumar Singh,
S/o Sh. Prabhunath Singh,
R/o RZ-260-B-5, Jgdamba Vihar,
West Sagarapur, Delhi.
3. Vinay Verma,
S/o late Sh. Harish Kumar
R/o D-481, Plot no.1/1A, Gali no.7,
Gautam Colony behind Police Station,
Narela, New Delhi.
4. Prashanta Biswas,
S/o Sh. Shanti Rangan,
R/o 54, Agrahakunj Aptt.
Sector-13, Rohini, Delhi-85.

-Petitioners/Applicants

(By Advocate Shri S.N. Gupta)

Versus

1. Sh. Alok Verma (DGP),
Director General of Prison,
PHQ, Central Jail,
Tihar Jail, New Delhi-110064.
2. Dr. Arun Kumar Thakral,
Officiating RMO,
Central Jail Hospital,

Tihar Jail, New Delhi-110064.

-Respondents/Contemnors

(By Advocate Mrs. Alka Sharma)

O R D E R

Per Sudhir Kumar, Member (A):

When the OA was admitted on 17.07.2015, the Coordinate Bench had passed the following order:-

“Heard the learned counsel for the applicant.

MA No.2275 filed for joining together is allowed.

It is submitted that the applicants, who have been working as Volunteer Physiotherapist and radiographers filed the present OA aggrieved by the order of the respondents.

Issue notice by DASTI to the respondents, returnable on 31.07.2015. In the meantime, respondents shall not disturb the services of the applicants”.

2. This Contempt Petition has been filed stating that the respondents/alleged contemnors are in contempt of this Tribunal since they have acted in contravention of the orders of this Tribunal.

3. However, though detailed arguments were advanced in the C.P., the matter essentially boils down to as to whether the applicants of this OA were in the “services” of the respondents, or not, from which their not being disturbed had been ordered.

4. It is seen that this itself is the main issue for consideration in the OA, as it is mixed question of law and fact, since the applicants are contending that they were in “the services” of the respondents, and the

respondents have said and brought on record that the applicants were volunteers and were in the services of the NGOs, and they were, therefore, employees of the NGOs, and not of the respondents.

5. Therefore, in our opinion, without a decision on the main OA, and the applicants being able to prove that they were in “the services” of the respondents as on 17.07.2015, when the above order was passed, this Contempt Petition does not lie, and is, therefore, dismissed. Notices issued in the Contempt Petition on 21.09.2015 are discharged.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

cc.