

Central Administrative Tribunal  
Principal Bench  
New Delhi

C.P.No.708/2015

in

O.A.No.701/2014

Order Reserved on: 16.11.2015

Order pronounced on 19.11.2015

Hon'ble Shri V. Ajay Kumar, Member (J)  
Hon'ble Shri Uday Kumar Varma, Member (A)

1. Shri Ram Tek

S/o Sh. Dharam Pal Yadav  
Aged 35 years, OBC, Shahdara Zone  
R/o VPO-Budsaini, Distt-Bagpat  
State – U.P. Pin-250606.

2. Sudhir Shokeen

S/o Jai Bhagwan Shokeen  
Aged 36 years, OBC, (Rohini Zone)  
R/o RZ-23, Village Mangolpuri Khurd  
New Delhi.

3. Puneet Kumar Rana

S/o Sh. Raj Kumar Rana  
Aged 33 years, OBC, Rohini Zone  
R/o H.No.88, Village-Mungeshpur  
Delhi – 39.

4. Naresh Yadav

S/o Sh. Niwas Yadav  
Aged about 32 years, OBC, Rohini Zone  
R/o D-1/48, Mansa Ram Park  
Uttam Nagar  
New Delhi.

5. Parvesh Kumar Yadav  
S/o Sh. Hari Krishan Yadav  
Aged about 32 years, OBC, Rohini Zone  
R/o Road No.1, H.No.15  
Punjabi Bagh Extension  
New Delhi – 26.
6. Shri Chander Pal Singh  
S/o Ami Lal Yadav  
Aged 35 years, OBC, Shahadara North Zone  
R/o Noorpur Dhoomi  
Distt-Meerut, U.P.
7. Shri Jatin Yadav  
S/o Sh. Jagpal Singh  
Aged 34 years, OBC,  
Civil Lines Zone  
R/o B-105, Ganesh Appt. Tomar Colony  
Burari,  
Delhi – 84.
8. Shri Parvesh Jhakhar  
S/o Sh. Randhir Jhakhar  
Aged 29 years, OBC, Rohini Zone  
R/o Village-Goyla Khurd  
Opp. MCD Primary School  
Delhi – 110 071.
9. Shri Shivendar Singh  
S/o Lt. Sh. Jitendra Singh  
Aged about 27 years, OBC, Civil Lines Zone  
R/o H.No.572, Rajendra Nagar Bambi Road  
Orai, Distt-Jalman (U.P.).
10. Shri Parshant Sahrawat  
S/o Sh. Jagbir Singh Sahrawat  
Aged about 28 years, OBC, City Zone  
R/o= Q-3, 159-160, Sector-11  
Rohini,  
Delhi – 85.

11. Sisir Diwangi  
S/o Goranga Diwangi  
Aged 30 year, General, Rohini Zone  
R/o= H.No.21/7, Budeva Vikaspuri  
Delhi.
12. Punit Kumar Tokas  
S/o Dharampal Singh  
Aged about 33 years  
General, Rohini Zone  
R/o Villagage-Bhagwi, Thesil-Charki Dadri  
Distt-Bhiwani, Haryana.
13. Shri Kuldeep  
S/o Sh. Jai Kishan  
Aged about 28 year  
General, Rohini Zone  
C/o C-3/86, Sector-11  
Rohini, Delhi-85.
14. Kumari Seema Kardam  
D/o Sh. Chander Lal Kardam  
Aged about 31 year  
SC, Shahdara North Zone  
R/o=H.No.37, Gali No.4  
D-Block, Dayalpur  
Delhi-94.
15. Sushil Kumar  
S/o Sh. Kanhaya Lal  
Aged about 36 year,  
SC, Rohini Zone  
R/o B-3/148, Sector-6  
Rohini, Delhi-85.
16. Shri Sanjay Kumar  
S/o Sh. Prakash Chand  
Aged about 29 years, SC, Shahdara Zone  
R/o 5/753, Gali No.1  
Gullar Road  
Aligarh, (U.P.).

17. Lalit Kumar  
S/o Sh. Moold Chand  
Aged about 37 years  
SC, Civil Lines Zone  
R/o K-236, JJ Colony  
Wazirpur  
Delhi-52. .... Applicants

(By Advocate: Shri Shyam Moorjani)

Versus

1. Shri V. K.Singh  
Chairman  
Delhi Subordinate Service Selection Board  
Govt. of NCT of Delhi\FC-18, Institutional Area  
Karkardooma  
Delhi – 110 092.
2. Shri C.B.Singh  
Director (Local Bodies)  
9<sup>th</sup> Floor, Delhi Secretariat  
New Delhi.
3. Shri P.K.Gupta  
Commissioner, NDMC  
4<sup>th</sup> Floor, Dr. Shyam Prasad  
Civic Centre  
Minto Road  
New Delhi.
4. Shri Anit Yadav  
Commissioner  
East Delhi Municipal Corporation  
1<sup>st</sup> Floor, Udyog Bhawan  
Patpar Ganj  
Delhi.

5. Shri Puneet Kr. Goyal  
Commissioner  
South Delhi Municipal Corporation  
9<sup>th</sup> Floor, Dy. Shayma Prasad  
Civic Centre, Minto Road,  
New Delhi – 02.
  
6. Dr. N.K.Yadav  
Municipal Health Officer  
SDMC, Public Health Department  
12<sup>th</sup> Floor, Civic Centre  
New Delhi – 110 002.
  
7. Dr. A.K.Bansal  
Municipal Health Officer  
NDMC, Public Health Department  
12<sup>th</sup> Floor, Civic Centre  
New Delhi – 110 002.
  
8. Dr. K.K.Choudhary  
Municipal Health Officer  
EDMC, 101, 1<sup>st</sup> Floor,  
Udyog Bhawan, Patpar Ganj  
New Delhi – 110 092.                      ...      Respondents

### **ORDER**

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

Heard, Shri Shyam Moorjani, the learned counsel for the petitioners.

2. The petitioners in the present CP are the applicants in OA No.701/2014 and that they have filed the said OA seeking the following reliefs:

- a) "To declare that the artificial breaks given by the respondents MCD in the appointments of the applicants and so called contracts got signed as APHI/Vaccinator is per se illegal void

untenable in law, against public policy violative of Article 14 of the Constitution of India;

- b) To issue appropriate directions to the respondent MCD to consider and forthwith regularize the service of the applicant as APHIs with all consequential benefits;
- c) To declare that the advertisement bearing No.01/14 issued by the respondent No.1 to the extent for filling up of 108 posts of APHI/Vaccinator vide post Code 22/14 be declared illegal, arbitrary, discriminatory in law; and
- d) Pass any other relief deemed fit and proper may also be given to the applicant."

3. In MA 596/2014, filed in OA 701/2014, this Tribunal passed certain interim orders on 25.02.2014, which read as under:

"Present: Shri Shyam Moorjani with Shri Manjeet Singh Reen, counsel for the applicant.

**MA 596/2014**

MA No.596/2014 filed for joining together under Rule 4 (5)(a), CAT (Procedure), Rules, 1987 is allowed.

**OA 701/2014**

The applicants, 17 in number, submit that they are working as Assistant Public Health Inspectors/Vaccinators on contract basis since September, 2010. It is the grievance of the applicants that though there are directions from this Tribunal that while filling up the vacancies on regular basis, the cases of the applicants have to be considered by giving weightage to service and appropriate age relaxation, the respondents have issued advertisement No.01/14 (post code 22/14) and are proceeding to fill up 108 posts of APHI/Vaccinator without considering the cases of the applicants by providing relaxations, as aforesaid. It is also further submitted that in similar circumstances, in respect of certain other posts the Tribunal has interfered in the said advertisement and issued appropriate directions.

In the circumstances, and in view of the prima facie case made out, we direct that the respondents shall reserve equal number of the vacancies for the applicants for a period of 14 days.

List on 11.03.2014.

Order by **DASTI**."

4. The present Contempt Petition is filed complaining violation of the aforesaid interim orders dated 25.02.2014 by the respondents.

5. The learned counsel for the petitioners submits that aggrieved by the action of the respondents in taking steps for filling up the posts of Assistant Public Health Inspector/Vaccinator in MCDs, by issuing advertisement No.01/2014, in which posts the applicants have been working on contract basis, the applicants filed OA No.701/2014, and when this Tribunal directed the respondents to reserve equal number of vacancies for the applicants, by way of an interim order dated 25.02.2014, the respondents in utter disregard of the said order, issued Annexure C3-Notification dated 14.10.2015 and proceeding to fill up all the vacancies of Assistant Public Health Inspector/Vaccinator and hence, they are liable for committing contempt of the orders of this Tribunal dated 25.02.2014 passed in MA No.596/2014 in OA 701/2014.

6. The respondents vide Advertisement No.01/14, called for applications for recruitment to various posts, including Assistant Public Health Inspector/Vaccinator (post code No.22/14), in MCDs. A total number of 55 vacancies were notified in respect of the said post code in the said advertisement. Vide Annexure C3 Notification dated 14.10.2015, which was issued in supersession of earlier Notifications, the respondents informed that the Board will hold the examination as per the details given therein. Neither from the said Notification nor from any of the averments made in the CP, it is not forth coming that the respondents have already filled up all the notified vacancies of Assistant Public Health Inspectors/Vaccinators by violating the orders of this Tribunal. The learned counsel failed to produce any order

whereunder the respondents filled up all the vacancies to show that the respondents violated the orders of this Tribunal.

7. In the circumstances and for the reasons mentioned above, we do not find any merit in the CP and accordingly the same is dismissed.

No costs.

(Uday Kumar Varma)  
Member (A)

(V. Ajay Kumar)  
Member (J)

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