

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

Contempt Petition No.350/2014 in
OA No.215/2014

Order reserved on:15.01.2016
Order pronounced on:21.01.2016

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Mr. P.K. Basu, Member (A)**

Dr. Sanjay Kumar Gupta, Age 38 years
S/o Sh. Ram Dayal Gupta
R/o C-17, Indira Park, Gali No.11
Chander Nagar, Delhi-110051

...Applicant

(Through Ms. Monica Kapoor, Advocate)

Versus

1. Mr. Sanjay Kumar Srivastava
The Chief Secretary
The Govt. of NCT of Delhi
5, Sham Nath Marg,
Delhi.
2. Mr. Anshu Prakash
The Principal Secretary,
Ministry of Health and Family Welfare,
Govt. of NCT of Delhi
9th Floor, A Wing, Delhi Secretariat
New Delhi
3. Mr. A. Bhattacharya
The Secretary,
Union Public Service Commission
Dholpur House, New Delhi.
4. Dr. S. Bhattacharya
The Director,
Directorate of Health Services,
The Govt. of NCT of Delhi
F-17, Karkardooma,
Shahdara, Delhi

...Respondents

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

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

This Contempt Petition has been filed alleging that the respondents have committed contempt by disobeying the interim order dated 27.01.2014 in OA No.215/2014. The interim direction was as follows:

“In the meantime, the respondents would not fill up the post occupied by the applicants.”

2. It is alleged that after the order was passed, the applicant, Dr. Sanjay Kumar Gupta, Junior Specialist (ENT), who was on contract basis, was relieved of his duties from 5.07.2014 (A/N). The relevant office order dated 5.07.2014 is annexed as Annexure P-2, which states that consequent upon the posting of Dr. Dhanashree M. Meshram, Specialist, Gr.III (ENT), the applicant is relieved of his duties from 5.07.2014.

3. The respondents in their reply have stated that the applicant had applied for appointment as contractual Specialist in the Department of ENT in ESI Model Hospital, Noida. The relevant dates regarding this appointment are as follows:

“Date of applying in ESI/MH Noida	-	13/06/2014
Post on which applied for	-	Contractual Specialist (ENT)
Date of offer of engagement in ESI/MH Noida	-	16/06/2014
Date of Medical Examination	-	07/07/2014

Date of acceptance of the offer of appointment - 07/07/2014

Request of extension of time, if any - 1 Month

Date of joining in ESI/MH Noida - 07/07/2014"

4. On 12.06.2014 (Annexure R-3), the applicant had requested the respondents to issue an experience certificate and NOC for ESI Hospital. This NOC was issued on 12.06.2014, stating clearly that the respondents had no objection for the concerned doctor appearing in the interview for Specialist (ENT) in ESI Hospital, Noida. Letter No.211-A-19(11)/425/14-Med.4707 dated 18.09.2014 by the ESI Model Hospital indicates that the applicant Dr. Sanjay Kumar Gupta joined the ENT Unit of that Hospital on 7.07.2014.

5. The paper trail clearly indicates that on getting an offer from ESI Hospital, the applicant wanted to join there and, therefore, he requested for issuance of experience certificate and NOC, which was issued on 12.06.2014. Therefore, when the respondent-hospital got the regular incumbent namely Dr. Meshram, they relieved Dr. Gupta on 5.07.2014 and he joined ESI Hospital on 7.07.2014.

6. From the facts of the case, we are at a loss to understand how the applicant can claim that there has been willful disobedience of the Tribunal's order dated 27.01.2014. Because the applicant got a new job, he asked for experience

certificate/NOC and then joined against the new post in ESI Model Hospital. He was relieved only when the respondents got a regular doctor. We are not convinced that there has been any willful disobedience and, therefore, no contempt lies against the respondents. In fact, the conduct of the applicant clearly demonstrates that he wants to just harass his earlier employer and colleagues by filing this Contempt Petition and involving them in frivolous litigation, at the cost of man-hours lost and drain on the public exchequer. We deprecate such attitude. A cost of Rs.25,000/- (Rupees twenty five thousand only) is imposed on the applicant to be paid to the respondents.

7. With the above direction, CP stands dismissed. Notices are discharged.

(P.K. Basu)
Member (A)

(A.K. Bhardwaj)
Member (J)

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