

**Central Administrative Tribunal  
Principal Bench, New Delhi**

OA No.778/2015

MA No.644/2015

this the 10<sup>th</sup> day of May, 2016

**Hon'ble Mr. V. Ajay Kumar, Member (J)**

**Hon'ble Dr. Birendra Kumar Sinha, Member (A)**

1. Kapil Kumar Kataria, Age-29  
S/o Shri Subhash Kataria  
Post of Lab Assistant  
R/o RZ-L-19, Shankar Park  
West Sagarpur, Gali No.3  
Delhi-46.
2. Ritu, Age- 30  
W/o Shri Sudhir Kumar  
Lab Assistant  
R/o Flat No.701, Sector-16-B  
Dwarka, New Delhi.
3. Poonam, Age-28  
D/o Shri Mashipal Singh  
Lab Assistant  
R/o A-119, Ph-I  
Shyam Vihar, Deenpur  
Najafgarh, New Delhi – 43.
4. Gajender Singh, Age-29  
S/o Shri Mehar Chand  
R/o H.No.400, A/4  
Near Govt. Girls School  
Budh Vihar, Munirka  
New Delhi – 67.

..... Applicants.

(By Advocate: Shri Harish Kumar)

Versus

1. Govt. of NCT Delhi  
Through its Health Secretary  
New Secretarial, New Delhi.

2. Director of Health  
Directorate of Health Service  
Govt. of Delhi  
F-17, Karkardooma, Delhi-32.
3. Chief District Medical Officer (South West)  
Dispensary Complex, Sector-2, Dwarka Delhi .....Respondents

(By Advocate: Shri Vijay Pandita)

### **ORDER (ORAL)**

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

Heard both sides.

2. MA No.644/2015, filed for joining together, is allowed.
3. The learned counsel for the applicants submits that the subject matter of this OA is squarely covered by a decision of the Hon'ble High Court in WP No.6798/2002, **Sonia Gandhi & Ors. Vs. Govt. of NCT of Delhi** and hence the OA may be disposed of in terms of the said decision. In this regard, the applicants have filed a representation dated 29.01.2015 but it is still pending with the respondents.
4. However, the learned counsel for the respondents as far as applicability of the said case, vehemently opposes and submits that the facts in the present OA are different to **Sonia Gandhi** (supra) case and hence, the applicants are not entitled to their claim.
5. In Sonia Gandhi (supra), it was held :-

"18. In view of the aforesaid, the petitioner has made out a valid claim for the regularisation of his services as per the regularisation rules. Since similarly situated persons have been regularised, the same treatments is to be given to the petitioner. The respondents cannot adopt different standards for similarly situated persons, as that would not only be arbitrary, but also discriminatory.

19. Consequently, the writ petition succeeds and is allowed with costs. The respondents are directed to consider the claim of the petitioner for the regularisation of his services on the existing vacancy within three months from the date of the receipt of this judgment before the authority concerned. The existing vacancies would be filled up from the contract employees as per the regularisation rules and regulation and only thereafter, if any vacancy still exists, the same would be filled up through direct recruitment after inviting applications through a fresh advertisement. The advertisement dated 20.11.2002 is accordingly quashed."

6. Following the decision in **Sonia Gandhi** (supra) this Tribunal has disposed of number of cases and one such case is OA No.1375/2014 (Annexure A-13) dated 25.04.2014, which was disposed of as under :-

"8. In view the aforementioned provisions of law, we deem it appropriate to dispose of the Original Application with a direction to Respondent No.1-Chief Secretary, Govt. of NCT of Delhi to take a decision in the aforementioned representation dated 21.09.2014 (Annexure P-A-colly.) keeping in view the contentions raised in the present Original Application as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. Till the disposal of the aforesaid representation and for a week thereafter the services of the applicants would not be discontinued."

7. On perusal of the decision of the Hon'ble High Court in **Sonia Gandhi** (supra) we are of the view that the applicants are identically placed and accordingly we dispose of the present OA also in terms of the decision in **Sonia Gandhi** (supra).

8. For parity of reasons we deem it appropriate to dispose of the Original Application with a direction to Respondent No.1, Health Secretary, Govt. of NCT of Delhi to take a decision on the aforementioned representation dated 29.01.2015 (Annexure A-1.) keeping in view the contentions raised in the present Original Application as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. Till the disposal of the aforesaid representation and for a week thereafter the services of the applicants would not be discontinued. No costs.

A copy of this OA be enclosed to this order.

**(Dr. Birendra Kumar Sinha)**  
**Member (A)**

**(V. Ajay Kumar)**  
**Member (J)**

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