

**Central Administrative Tribunal
Principal Bench**

**CP No.792/2012
OA No.1843/2010**

Reserved on : 22.01.2019
Pronounced on : 30.01.2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

1. Swastiksa Bhakat,
W/o Mr. Narender Kumar,
R/o D-13/150, Sec-7, Rohini,
Delhi – 110085.
2. Nisha Jacob,
W/o Mr. Shibu Jacob,
R/o 7/73, Sec-6, Rohini,
Delhi – 110085.
3. Suma
W/o Mr. Joby John,
R/o D-12/101, Sec-8, Rohini,
Delhi – 110085
4. Sheena Cyriac,
W/o Mr. Binu Mathew,
R/o C-4/278, Sec – 6, Rohini,
Delhi – 110085.
5. Sinimol E. K.,
W/o Saju Abraham,
R/o A-14, Nightingale Apartment,
Budhella, Vikaspuri, Delhi – 18.
6. Neerupa,
W/o Maxwell Williams,
R/o Flat No. 3 Panchdeep Apartment,
Vikas Puri, Delhi.
7. Sunita,
D/o Lt. Sh. S. Joel,
R/o B-5/432, Sector – 5,
Rohini, Delhi – 110085. Applicants

(By Advocate : Ms. Kamlakshi S. Chauhan)

Versus

1. Sh. P. K. Tripathi,
Chief Secretary (Health)
Govt. of N. C. T. Delhi,
New Secretariat,
New Delhi.
2. Sh. S. S. Sidhu,
Additional Secretary (Health),
Govt. of N. C. T. Delhi,
New Secretariat,
New Delhi.
3. Sh. C. M. Khanijo,
Medical Superintendent,
Dr. Baba Sahib Ambedkar Hospital,
Rohini, Delhi – 85. ... Respondents.

(By Advocate : Ms. Rashmi Chopra, with Ms. Asiya)

: O R D E R :

Justice L. Narasimha Reddy, Chairman:

This contempt case is filed alleging that the respondents did not implement the order dated 29.12.2011 passed in OA No.1843/2010. On 15.03.2013, the contempt case was closed by taking note of the fact that W.P. (C) No.424/2013 was filed in Hon'ble Delhi High Court by the respondents. However, liberty was given to the petitioners to revive the contempt case depending upon the outcome of the writ petition. The writ petition was disposed of on 24.05.2013 slightly modifying the order in OA. Thereafter, the applicants filed MA No.2165/2013 for revival of the contempt case. It was accordingly revived, and thereafter, it has undergone several adjournments.

2. Ms. Kamalakshi S. Chauhan, learned counsel for the applicants submits that the relief granted in the OA was comprehensive enough, taking in its fold, the pay structure and other benefits, such as leave, and except that the direction as to grant of increments was set aside by the Delhi High Court, order in the OA was on all other aspects confirmed. She submits that though the respondents have extended the benefit of pay scale, the benefits such as leave and medical facility are not extended to the applicants, and the same amounts to contempt of court. She placed reliance upon the orders passed by the Hon'ble Delhi High Court in W.P. (C) No.8476/2009 & ors. and W.P. (C) No.6798/2002 & Ors., apart from some other judgments.

3. On behalf of the respondents, it is pleaded that the direction issued by the Tribunal was only in relation to the pay structure and the same has been extended to the applicants in terms of the orders of the Tribunal as modified by Delhi High Court.

4. This is one of the oldest pending contempt cases. The applicants were appointed as Staff Nurses on contractual basis. They filed the OA claiming that they are entitled to be paid the emoluments, on par with the regularly appointed Staff Nurses, and to be extended other benefits also. The Tribunal took note of various orders passed in

earlier occasions and in particular, the one in OA No.1330/2007 and the judgment of Delhi High Court in W.P. (C) No.8476/2009, and other connected writ petitions, and passed the order dated 29.12.2011. The operative part of the order reads as under:-

“23. We, therefore, dispose of this OA with the directions to the respondents to treat the applicants at par with their regularly appointed counterparts from the respective dates of their appointment for all purposes, except promotion. They shall comply with the aforesaid directions within a period of two months from the date of receipt of a copy of this order.”

It needs to be observed that the prayer in the OA was no doubt comprehensive, but the relief was granted in the form of disposal of the OA. The discussion was also mostly in respect of emoluments. Though the arguments were advanced in respect of leave, increments and medical facilities, no definite finding was recorded, much less any clear direction was issued in that behalf. In the writ petition filed by the respondents, the Hon'ble Delhi High Court directed that the applicant shall not be entitled to any increments. In the judgment in the writ petition also, no reference is made to the benefits such as leave and medical facilities.

5. In the counter affidavit, the respondents have stated that the benefits were extended to the applicants in accordance with the orders passed by the Tribunal as

modified by the Delhi High Court. A statement, showing the comparative emoluments of the regular staff, on the one hand and those of the applicants on the other hand, is filed. The applicants also do not raise any objection in relation to the payment of salary and other allowances. Their grievance is mostly about the casual leave, earned leave and maternity leave, etc. When there was no clear direction or finding in the OA, we find it difficult to bring those benefits in the field of contempt case.

6. Reliance is placed upon a judgment in W.P. (C) No.6798/2002 and others connected matters. That is an adjudication which took place subsequent to the disposal of the OA and connected writ petition. If the applicants are of the view that they are entitled for any additional benefits, they have to work out their remedies separately. This contempt petition is accordingly closed. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/