

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**CP No. 611/2017  
in  
OA No. 1080/2014**

**New Delhi, this the 25<sup>th</sup> day of November, 2019**

**Hon'ble Sh. R. N. Singh, Member (J)  
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Vishnu Kumar Gupta  
S/o Late Shri Ramesh Chand Gupta  
R/o M.M.-57, S-3, DLF, Ankur Vihar,  
Loni Ghaziabad U.P. 201102.
2. Anil Kumar Sharma  
S/o Shri Mali Ram Sharma  
R/o D-, Gali Budh Vihar  
Old Kondly Delhi-96.
3. Surendra Sharma  
Hari Narayan Sharma  
R/o 1986, Durga Mandir Marg,  
East Nagar Shahdra,  
Delhi-32.
4. Vijay Kumar Sharma  
S/o Shri Suresh Kumar Sharma  
R/o Village Shahpur, Post Guntu,  
Tehsil Bansur, District Alwar,  
Rajasthan.
5. Manu Yadav  
W/o Shri Braham Prakash Yadav  
R/o H.No.25, Ward No.1, Near Water Tank,  
Mehruli, Delhi.
6. Vishnu Sahu  
S/o Shri Mool Chand Sahu  
R/o H.No.586, Vijay Nagar,  
Vijay Mandir Road, Alwar,  
Rajasthan 301001.

7. Preeti Chaudhary  
D/o Shri Rajeev Chaudhary  
R/o W-93-A, Hastal Road,  
Gali No.5,6 Uttam Nagar,  
Delhi.
8. Prveen Kumar Sharma  
S/o Shri Surya Prakash Sharma  
R/o V+P Jaguwas The. Behroor,  
Dist. Alwar, Rajasthan.
9. Pankaj Kumar Sharma  
S/o Shri Vishu Nath Sharma  
R/o Village Narera, Post Khautenkhaera,  
The. Behroor, Dist. Alwar,  
Rajasthan.
10. Mukesh Kumar Swarnkar  
S/o Shri Ram Dayal Soni,  
R/o V/p Sherpur Khilchipur,  
Dist. Sawar Madhapur,  
Rajasthan.
11. Siji John W/o Sh. Niju George  
R/o M-40, Ground Floor,  
Street No.-5, New Mahavir Nagar,  
New Delhi-110078.
12. Usha W/o Shri Chetan Sharma  
R/o B-131, Street No.9,  
Dharamsala Road,  
Swaroop Nagar, Delhi-110042.
13. Neetu Kumari  
W/o Shri Ashwani Kumar  
R/o W-1335, Nagal Raya,  
Delhi Cant-110046.
14. Ashok Kumar  
S/o Shri Data Ram Saini  
R/o Mahalla Khasapura Ward-I Behror,  
Teh. Behror, Dist. Alwar,  
Rajasthan.
15. Reena Devi W/o Shri Sunil Kumar  
R/o V/p Palia, Master Rishal Singh Wali Gali,  
Delhi-110036
16. Rohit Tiwari  
S/o Shri Nand Kishore Tiwari  
R/o H.No.33, Ramanand Nagar,

Lal Diggi Alwar, Rajasthan.

17. Shri Amit Kumar Sharma  
S/o Shri Laxman Sharma  
R/o Behind Gopal Mandir,  
Keshar Colony Hindaun City  
Dist.- Karauli Rajasthan.

18. Pooja Bakshi  
S/o Shri Dinesh Sharma,  
H.No.-15, Tihar Bus Stop,  
Gali Near Ajanta Cinema,  
Delhi-110018.

19. Jai Dayal  
S/o Shri Har Chand Yadav,  
R/o V+P Gunta, Teh. Bansur,  
Dist. Alwar, Rajasthan.

...Applicants

(Through advocate Mr. Harish Kumar)

### **Versus**

1. Mr. M.M. Kutty,  
Chief Secretary  
Govt. of N.C.T. Delhi,  
New Secretariat, New Delhi

2. Sh. Madhup Vyas,  
Principal Secretary (Health),  
Govt. of N.C.T. Delhi,  
New Secretariat, New Delhi

3. Dr. J.C. Passey  
Medical Superintendent,  
Lok Nayak Hospital,  
New Delhi

...Respondents

(Through advocates Shri Amit Anand and Shri Vijay Pandita)

**ORDER ( O R A L )****Hon'ble Mr. R.N. Singh, Member (J)**

Learned counsel appearing for the respondents, under the instructions from Mr Amit Kumar Pamasi, Deputy Secretary, Department of Health & Family Welfare, Govt of NCT Delhi, submits that the respondents are already in the process of full compliance of the directions of this Tribunal in the aforesaid OA and recommending for the full compliance of the order in the aforesaid OA, the file has been sent to the Hon'ble Lieutenant Governor for his approval and they are likely to get the requisite approval within 10 days. Learned counsel for the respondents further submits that in some of the connected Contempt Petitions, the Chief Secretary, Govt of NCT is also impleaded as a respondent whereas the Principal Secretary, Health is the competent authority to take the necessary decisions for compliance of the directions of this Tribunal in the aforesaid OA. He also submits that though the order passed on the last date of hearing requires personal presence of the Chief Secretary today, however, the same appears to be a typographical error in as much as they have mentioned that presence of the Principal Secretary, Health would suffice in the matter and the Tribunal has accepted their request. They submit that in view of the facts and circumstances, the Chief Secretary is not present as he was not informed that his personal presence for today has been required by the Tribunal vide the previous order.

The learned counsel for petitioners also endorses such submissions of learned counsel for the respondents.

2. The respondents counsel invites our attention to an MA filed on behalf of the Principal Secretary, Health for exemption from his personal appearance before this Tribunal on 25.11.2019. He submits that the Principal Secretary is today present before the Hon'ble Supreme Court in compliance of the directions of their Lordships. In such facts and circumstances, Mr Sanjeev Khirwar, Principal Secretary (Health), Govt. of NCT of Delhi is not present before this Court.

3. Learned counsel for the respondents states that the respondents are in the process of extending the benefits of judgment of Kamal Kant Vs GNCTD to all the petitioners and proposal in this regard has already been submitted before the Lieutenant Governor and the non-appearance of the Principal Secretary, Health is not wilful or deliberate but for the reasons stated in the affidavit and also hereinabove. In the facts and circumstances, MA seeking exemption from personal appearance of Mr Sanjiv Khirwar, Principal Secretary (Health), Govt of NCT of Delhi, which is placed on record by the respondents, after supplying a copy to the learned counsel for the petitioners, is allowed by granting exemption from his personal presence before this Tribunal today on 25.11.2019. Registry is directed to number the same.

4. Keeping in view the statement given by the Deputy Secretary, Mr. Amit Kumar Pamasi that he is authorized to make the statement and file the affidavit on behalf of the respondents to the effect that the benefits of judgment of Kamal Kant Vs GNCTD shall be extended to all the petitioners herein within 10 days, the aforesaid CP is closed and notice is discharged. However, the petitioners shall be at liberty to move an appropriate application, even under the signature of their learned counsel (s), for revival of the CP, in case the directions of this Tribunal in the aforesaid OA are not complied with fully within 20 days from receipt of certified copy of this order.

5. In the aforesaid terms, CP is closed and notice is discharged.

**(Aradhana Johri)**  
**Member(A)**

**(R. N. Singh)**  
**Member(J)**

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