

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**CP No. 183/2018  
in  
OA No. 4505/2013**

**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. Sanjay Sharma, aged 35 years  
S/o Shri Suresh Kumar Sharma,  
R/o B-5/2021 Sec-5, Rohini, New Delhi  
Staff Nurse
2. Shri Ashok Kumar Sharma,  
Aged 37 years,  
S/o Shri Suresh Kumar Sharma,  
R/o B-5/2021 Sec-5, Rohini, New Delhi  
Staff Nurse
3. Hemant Kumar Yadav, aged 36 years,  
S/o Shambhu Dayal Yadav,  
R/o B-9/237 Sec-21, Rohini, New Delhi  
Staff Nurse
4. Jag Ram, aged 40 years  
S/o Shri Hoshiyar Singh,  
R/o A-1/32 Chanakya Place,  
Gali No. 9 Opp. Janak Puri C-1,  
New Delhi, Staff Nurse
5. Lalita Kumar, aged 36 years,  
W/o Shri Raj Kumar,  
R/o H.No.234, Rathdna Road,  
Near Canal Colony, Berdepur Distt.,  
Sonipat Haryana, Staff Nurse.
6. Kailash Chand Yadav, aged 37 years,  
S/o Shri Hardayal Singh,  
R/o C-4/119 2<sup>nd</sup> Floor, Sec-6 Rohini,  
New Delhi, Staff Nurse.

7. Ram Singh Yadav, aged 39 years,  
S/o Shri Ramanand Yadav,  
R/o C-5/330 2<sup>nd</sup> Floor, Sec-6,  
Rohini, New Delhi, Staff Nurse.
8. Ajit Singh, aged 35 years,  
S/o Shri Vidhya Nand Yadav,  
R/o B-7/78 Sec-5,  
Rohini, New Delhi, Staff Nurse.
9. Dinesh Kumar Gupta, aged 39 years,  
S/o Shri Surajmal Gupta,  
R/o B-3/255 Top Floor, Sec-6,  
Rohini, New Delhi, Staff Nurse.
10. Satyapal Yadav, aged 38 years,  
S/o Shri Lala Ram,  
R/o VPO-Karkardooma, Tehsil-Behror,  
District Alwar Rajasthjan-301701.  
Staff Nurse.
11. Shailender Kumar, aged 42 years,  
S/o Shri Ram Chandra Yadav,  
R/o Village – Mainpur Ki Dhini,  
Tehsil Mundwar, District. Alwar,  
Rajasthan, Staff Nurse
12. Sadhna Kumari, aged 31 years,  
S/o Late Shri Madan Singh Rana,  
R/o C-5/96 Swaran Jayanti Vihar,  
Tikri Khurd, Narela,  
Delhi-110040 Staff Nurse
13. Salam Ganga Rani, aged 33 years,  
S/o Late Shri Salam Amuba  
R/o B-216, Sec-I, Rohini Awantika,  
New Delhi, Staff Nurse
14. Ram Niwas, aged 40 years,  
S/o Shri Sher Singh Yadav,  
R/o 660, Baba Farid Puri Near Deepak Dairy,

West Patel Nagar,  
New Delhi, Staff Nurse

15. Anita, aged 34 years,  
W/o Shri Dharambir,  
R/o B-5/21, Sec-11, Rohini,  
New Delhi, Staff Nurse
16. Manoj Kumar, aged 39 years,  
S/o Shri Bhup Singh Yadav,  
R/o B-3/396, Sec-6, Rohini,  
New Delhi, Staff Nurse
17. Vijay Singh, aged 38 years,  
S/o Shri Gyarsi Lal  
R/o B-7/9, 1<sup>st</sup> Floor, Sec-56, Rohini,  
New Delhi, Staff Nurse
18. Rajesh Kumar Gurjar, aged 38 years,  
S/o Shri Bridi Chand Gujjar,  
R/o Village Begam Pur,  
15/21, Barwala Road, New Delhi  
Staff Nurse
19. Ram Avtar, aged 41 years,  
S/o Shri Ram Lal,  
R/o H.No. 28A Village Nahar Pur, Sec-7  
Rohini, New Delhi, Staff Nurse
20. Hardeep Kaur, aged 32 years,  
D/o Shri Gurdial Singh,  
R/o A-48/F, Vijeta Vihar, Sec-13  
Rohini, New Delhi, Staff Nurse

All working as contractual employees  
At Baba Saheb Ambedkar Hospital,  
Govt. of NCT of Delhi, Sector-6, Rohini,  
Delhi-110085

...Applicants

(Through advocate Ms.Kamlakshi S. Chauhan)

**Versus**

1. Mr. Anshu Prakash,  
Chief Secretary,  
National Capital Territory of Delhi,  
New Secretariat, Players Building,  
I.T.O., New Delhi.
2. Dr. Puneeta Mahajan,  
Medical Superintendent,  
Baba Saheb Ambedkar Hospital,  
Sector-6, Rohini, Delhi-85                      ...Respondents/Contemnors

(Through advocate Mr. Amit Anand)

### **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 notices are discharged.

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

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

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