

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP No. 783/2017
in
OA No. 4477/2013**

New Delhi, this the 25th day of November, 2019

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

1. Arun Kumar Mishra, aged 32 years
S/o Sh. Subhash Chand Sharma,
R/o RZ-38/266, M- Block, West Sagarpur,
Delhi-110046
2. Hariom Gupta, aged 36 years
S/o Sh. Ram Sahai Gupta,
R/o C/o 2/292, 293, Trilokpuri,
Delhi-110091
3. Satveer Singh, aged 36 years,
S/o Sh. Samdar Singh,
R/o WZB-22/23, B-Block, Gali No.2,
Gulab Bagh, Nawada,
Delhi-110059
4. Rajesh Agrawal, aged 37 years,
S/o Sh. Ghanshyam Gupta,
R/o SF-2, MM 56, MM Road,
DLF, Ankur Vihar,
Ghaziabad, U.P.
5. Santosh Agrawal, aged 36 years,
S/o Sh. Radha Ballabh Aggarwal,
R/o A4/4, SF2, DLF Ankur Vihar,
Loni, Ghaziabad, U.P.
6. Seema, aged 36 years,
D/o Sh. Mohd. Waqar,
R/o H.No.166, Gali No.3,

Sangam Vihar, Wazirabad,
Delhi-110084

7. Mareena Sara Ninan, aged 33 years,
D/o Sh. P.C. Ninan,
R/o Flat No.102, Gali no.1,
Sangam Apartment, Ambedkar Kunj,
Palam Extension, Dwarka Sector- 7,
New Delhi-110045
8. Laltesh Kumar, aged 40 years,
S/o Late Sh. Mahavir Prasad Tiwari,
R/o RZ-133/213, First Floor,
L-Block, Gali no.8B, West Sagarpur,
New Delhi-110046
9. Neetesh Kumar, aged 33 years,
S/o Sh. Jagdish Prasad,
R/o A-7/12, Gali no.8,
Gangotri Vihar, Bhajanpura-K,
Delhi-110053
10. Pawan Kumar, aged 33 years,
S/o Sh. Vinod Kumar Sharma,
R/o S-496, Third Floor, Shakarpur,
Near CATS Hospital, Laxmi Nagar,
Delhi-110092
11. Dinesh Kumar Saini, aged 34 years,
S/o Sh. Mahaveer Prasad Saini,
R/o C-4/36, Gali no.4, Sudamapuri,
Gamri Extension, Delhi-110053
12. Sandeep Joshi, aged 35 years,
S/o Sh. Mam Chand Joshi,
R/o Village Jharka, Post Harsauli,
District Alwar, Rajasthan
13. Krishan Kumar Mittal, aged 37 years,
S/o Sh. Hanuman Prasad Mittal,
R/o C-2/3, DLF Ankur Vihar,
Loni, Ghaziabad, U.P.

14.Yogendra Kumar, aged 33 years,
S/o Sh. Rajindra Prasad Sharma,
R/o 738/F-3, Shalimar Garden,
Extension-1, Sahibabad,
Ghaziabad, U.P.

15.Raj Kumar Gupta, aged 37 years,
S/o Sh. Ram Vilas Gupta,
R/o 1/458, Trilokpuri,
Delhi

16.Mahesh Chand, aged 38 years,
S/o Sh. Arjun Meena,
R/o Village Ranipura, Post Jhakhoda,
Tehsil Sapotara, Distt. Karoli,
Rajasthan-322218

17.Batti Lal Meena, aged 37 years,
S/o Sh. Ram Charan Meena,
R/o G-A86, Pul Prahladpur,
Delhi-110044

18.Sanoj Devi, aged 39 years,
S/o Sh. Makhan Ram Yadav,
R/o B-155, Minto Road Complex,
New Delhi-110002

19.Manish Kumar, aged 37 years,
S/o Sh. Yogesh Chand Sharma,
R/o RA-26P/39, Gali no.10C,
Indira Park, South West,
Delhi-110045

All working as Staff Nurse/Nursing Officer
at Lok Nayak Jai Prakash Narain Hospital,
New Delhi-110002

....Applicants

(Through advocate Ms. Kamlakshi S. Chauhan)

Versus

1. Mr. M.M. Kutty,

Chief Secretary
National Capital Territory of Delhi,
New Secretariat, Players Building
I.T.O., New Delhi

2. Mr. J.S. Passy,
Medical Superintendent,
Lok Nayak Jai Prakash Narain Hospital,
New Delhi-110021

...Respondents

(Through advocate Shri 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 notice is discharged.

(Aradhana Johri)
Member(A)

(R. N. Singh)
Member(J)

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