

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP No. 517/2016
in
OA No. 3083/2013**

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. Ms. Vijayta, Lab Assistant,
Aruna Asaf Ali Govt. Hospital,
D/o Shri Om Prakash,
Resident of VPO Jantikalan,
Sonapat, Haryana.
2. Shri Sidharth Kumar Gautam,
Sr. Radiographer,
Aruna Asaf Ali Govt. Hospital,
S/o Shri R.P. Gautam,
Resident of N-94, Prem Nagar-II,
Kirari, Nangloi, Delhi-41.
3. Shri Shiv Shankar Dubey,
Sr. Radiographer,
Aruna Asaf Ali Govt. Hospital,
S/o Shri S.K. Dubey,
Resident of WZ-1372, Nangal Raya,
Delhi-46.
4. Shri Brijesh Sharma,
Audiometry Assistant,
Aruna Asaf Ali Govt. Hospital,
S/o Shri R.K. Sharma,
Resident of D-64, Vishwas Park,
Uttam Nagar, Delhi.
5. Shri Praveen Kumar Sharma,
Technical Assistant (PM),
Aruna Asaf Ali Govt. Hospital,
S/o Shri O.P. Sharma,
Resident of RZC-100, Vinod Puri,
Vijay Enclave, Delhi.
6. Ms. Seema,
ECG Technician,
Aruna Asaf Ali Govt. Hospital,

- 5, Rajpur Road, Delhi-54.
7. Shri Pradeep Kumar,
ECG Technician,
Aruna Asaf Ali Govt. Hospital,
S/o Late Shri Diwan Singh,
Resident of 35/3, Indira Vikas Colony,
Delhi-9.
 8. Shri Dablu Biswas,
OT Technician,
Aruna Asaf Ali Govt. Hospital,
S/o Shri S.K. Vishwas,
Resident of 218, Pratap Nagar,
Delhi-7.
 9. Shri Deep Kumar Pandey,
Junior Radiographer,
Aruna Asaf Ali Govt. Hospital,
S/o Shri I.P. Pandey,
Resident of WZ-1335, Nangal Raya,
New Delhi-46.
 10. Shri Naushad Khan,
X-Ray Technician,
Aruna Asaf Ali Govt. Hospital,
S/o Shri Shahbaz Khan,
Resident of F-12, West Jawahar Park,
Laxmi Nagar, Delhi.
 11. Shri Vishal Sharma, OT Assistant
Aruna Asaf Ali Hospital
5, Rajpur Road
Delhi-54
 12. Babita Rani,
OT Assistant,
Aruna Asaf Ali Govt. Hospital,
D/o Shri K.C. Gupta,
Resident of RZ-233, Gopal Nagar,
A Block, Nearby Shyam Mandir,
Najafgarh, Delhi.
 13. Shri Rama Nand Tiwari,
OT Assistant,
Aruna Asaf Ali Govt. Hospital,
5, Rajpur Road, Delhi-54.
 14. Shri Rajesh Kumar Tripathi,
OT Assistant,
Aruna Asaf Ali Govt. Hospital,

S/o Shri Rama Shankar Tripathi,
Resident of WZ-1592/B,
Near Bhoop Singh Park,
Nangal Raya, New Delhi-46.

_Applicants.

(Through Advocate Ms.Kamlakshi S. Chauhan)

Versus

1. Mr. K.K. Sharma,
Chief Secretary,
National Capital Territory of Delhi
New Secretariat, Players Building,
ITO, New Delhi.
2. Mr. (Dr.) G.P. Kaushal,
Medical Superintendent,
Aruna Asaf Ali Govt. Hospital,
5, Rajpur Road, Delhi-54.
3. Mr. (Dr.) Kulbhushan Goyal (A.O.)
Aruna Asaf Ali Govt. Hospital,
5, Rajpur Road, Delhi-54. ... Respondents/Contemnors

(Through Advocate Mr. Amit Anand)

ORDER (ORAL)

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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