

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP No. 181/2019
in
OA No. 4310/2015**

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. Manjeet Singh,
Age 36 years (Lab Tech), S/o Shri Rajbir Singh, R/o Vill.VPO-Jahri, Sonipat, Haryana.
2. Sudhir Kumar Bhardwaj, Age 34 years (Lab Asst.),
S/o Shri Shyam Sharma, R/o G-123, Sec-56, Noida, G.B. Nagar (UP) 201301.
3. Predeep Kumar Sah,
Age 37 years (Lab Tech),
S/o Shri Brij Mohan Sah, R/o H.No.983, Gali No.23 A, Swatantra Nagar, Narela, Delhi-40.
4. Suman Sharma,
Age 35 years (Lab Asst.),
D/o Shri Birbal Sharma, R/o E-38, Yadav Nagar, Samaypur Badli, Delhi-42.
5. Kumar Dev Parkash,
Age 41 years (Lab Tech.),
S/o Shri Bendeshri Parsad Sharma,
R/o H.No.123, Gali No.6,
Hari Nagar Extn. Badarpur, New Delhi.
6. Sajid S.K. Wal,
Age 37 years (Lab Tech),
S/o Shri Md. Mustafa, C/o Shri Bhup Singh,
Near Barat Ghar, Sewa Mahalla, Lajpat Nagar, Gardhi.
7. Rahul Pawar,
Age 33 years (Lab Asst.),
S/o Shri Jaspal Singh Pawar,
R/o 16/1B, P&T Quarter, Type-3, Kali Bari Marg,
Gole Market, New Delhi-01.

8. Rinku Singh,
Age 37 years (Lab Tech.), D/o Shri Prabhas Singh,
R/o Kusum Niwas, H.No.28, Gali No.8, Shivpuri,
Mithapur, Badarpur, New Delhi-44.
9. Richa Sharma,
Age 32 years (Lab Asst.),
D/o Shri S.C. Sharma,
R/o RZG 72, Mahavir Enclave, Mandir Marg, Street No.7,
Near Universal Public School, Palam Road, New Delhi-45.
10. Hina S. Quraishi,
Age 32 years (Lab Tech.),
D/o Shri Mohd. Sareef Quraishi,
R/o 688, Sheesh Mahal,
Azad Market, Delhi-6.
11. Prem Kumar Verma,
Age 37 years (O.T. Tech.), S/o Shri Shiv Lal Verma,
R/o H.No.2069, Sector-7, C-WS Awas Vikas Colony,
Sikandra, Agra-282002 (UP).
12. Anil Kumar,
Age 34 years (O.T. Tech.), S/o Shri Hukum
Chand, R/o H.No.1070, Gali No.21,
New Baselwa Colony, Old Faridabad (Haryana).
13. Kamini,
Age 34 years (O.T. Tech.),
D/o Late Shri Kamal Kumar,
R/o A-Block, Gali No.13, H.No.21,
Bangali Colony, Sant Nagar,
Delhi-84.
14. Manish Kumar Sharma,
Age 32 years (Lab Tech.),
S/o Shri Gopal Krishan Sharma,
R/o H.No.672, Chandni Chowk, Katra Neel, Gali
Ghanteshwar, Delhi-06.
15. Virender Kumar Saini,
Age 38 years (Lab Tech.),
S/o Shri Chand Saini,
R/o VPO-Jahri Gen. Govt.
School, Sonipat Haryana.

16. Naveen Jha,
Age 31 years (Lab Tech.),
S/o Shri Arun Jha,
R/o H.No.31, Gali No.16,
Sarswati Colony, Faridabad,
Haryana.
17. Amita,
Age 33 years (Lab Asst.),
D/o Shri Bhim Singh,
R/o VPO-Rohana, Dist-Sonipat,
Haryana.
18. Sarina,
Age 32 years (Lab Tech.),
D/o Shri Virender,
R/o VPO-Bainyapur, Dist-Sonipat, Haryana.
19. Rahul Sharma,
Age 37 years (Lab Tech.),
S/o Shri Yadram Sharma,
R/o Vill-Telak, PO-Sihaul,
Dist-Palwal, Haryana.
20. Yad Ram,
Age 37 years (Lab Tech.),
S/o Shri Ved Ram,
R/o Village Nangla Jogiyar,
PO-sikri, Distt-Faridabad (HR).

...Applicants

(Through advocate Shri. Harish Kumar)

Versus

1. Sh. Vijay Kumar Dev
Chief Secretary, Govt. of NCT of Delhi
New Secretariat, New Delhi.
2. Sh. Sanjeev Khirwar
Principal Secretary (Health), Govt. of NCT of
Delhi, New Secretariat, New Delhi.
3. Sh. Dr. S.M. Raheja
Director/Medical Superintendent,
G.B. Pant Hospital, New Delhi.

...Respondents

(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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