

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP No. 182/2019
in
OA No. 4312/2015**

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. Satyendra Kumar Mishra,
Age 32 years (Technical Assistant), S/o Shri Uma
Shanker Mishra, R/o A-965, Saraswati Marg, Mandawli
Fazalpur Delhi-92.
2. Vikas,
Age 34 years (Lab Technician), S/o Shri Ishwar Lal,
R/o 590, Bhim Gali, Sabzimandi, Malka Ganj, Delhi-07.
3. Naveen Singh,
Age 27 years (Lab Technician),
S/o Shri Shyam Lal,
R/o 9/4800, Old Seelampur, Gandhi Nagar,
Delhi-31.
4. Mukesh Kumar Verma,
Age 32 years (Technical Assistant),
S/o Shri Ram Sagart Verma,
R/o 532/a/174, Chaudhry Tala Aliganj, Lucknow-22.
5. N. Egneshwari,
Age 30 years (Lab Assistant),
W/o Shri R. Ganesan,
R/o 825, 3rd floor Sun light Colony-II, Ashram,
New Delhi-14.
6. Anand Kumar,
Age 28 years (Lab Assistant), S/o Shri Siya Ram
Shakya, R/o 1/44, Gali No.33, Raja Puri, Uttam
Nagar, Delhi-59.

7. Dilip Kumar,
Age 33 years (Lab Technician),
S/o Shri Prahlad Sharma, R/o 17, Shiv Puri,
Samaypur, Delhi-42.
8. Ritu Bisht,
Age 25 years (Lab Assistant),
D/o Shri M.S. Bisht,
R/o K.B.-33, R.K. Puram Face-2, Sec.-6, Delhi-22.
9. Krishna Kumari,
Age 35 years (Technical Assistant),
D/o Shri Gopi Ram,
R/o H.No.274, VPO-Auchandi, Delhi-39.
10. Badri Prashad Maurya,
Age 29 years (Lab Assistant),
S/o Shri Ram Yash Maurya,
R/o 1/227, Khichripur, Kalyan Puri, Delhi-91.
11. Ms.Jyoti Kwatra,
Age 29 years (Lab Assistant),
D/o Shri Jai Krishna Kwatra, R/o 736, Jwala
Nagar, Shahdra Delhi-32.
12. Ms. Shweta Chaturvedi,
Age 30 years (Lab Assistant),
D/o Shri R.K. Chaturvedi, R/o 439, Chandiwali
Gali, Paharganj, New Delhi-55.
13. Jugendra Singh,
Age 25 years (Lab Technician),
S/o Shri Rajendra Singh,
R/o H.No.7/21, Gali No.12, Block-C, Kamal
Vihar, Kamalpur, Burari, Delhi-84.
14. Sheeja S.
Age 30 years (Lab Assistant), D/o Shri K.
Chandran, R/o 403/Type-II Quarter, Mirdard
Lane Mamc Compus, New Delhi-02.

15. Yogesh Kumar,
Age 30 years (Lab Technician),
S/o Shri Umesh Mishra,
R/o 153/B, Pratap Enclave, New Delhi-59.
16. Nmita Srow,
Age 28 years (Lab Technician),
D/o Shri Gurpreet Singh, R/o JG-1/115, Vikash
puri, New Delhi-18.
17. Jyoti Singh,
Age 29 years (Lab Assistant),
W/o Shri Manish Arora, R/o 7/77 A, Arjun Gali,
Vishwas Nagar, Shahdra, Delhi-32.
18. Dolly,
Age 26 years (Lab Assistant),
D/o Shri Mana Singh,
R/o H.No.323, Block No.-2, Trilok Puri, Delhi-
91.
19. Muni Kashyap,
Age 31 years (Lab Assistant),
S/o Shri Ved Prakash,
R/o H.No.20A, Gali No.03, Jagat Puri, Delhi-51.
20. Suman Rawat,
Age 30 years (Lab Assistant), D/o Shri Balam
Singh Rawat, R/o 730, B-Block, Gali No.05,
Ground Floor, Baba Colony, Sant Nagar, Burari
Delhi-84.
21. Lalita,
Age 26 years (Lab Assistant),
D/o Shri Vijay Kumar,
R/o H.No. 123, Village-Bagdola, P.O.-Palam Sec.-8, Dwarka,
New Delhi-77.
22. Anita Meena,
Age 28 years (Lab Technician),
W/o Shri Lokesh Kumar Meena, R/o 29, Tapti Sec.-
B, President Estate, New Delhi-04.

23. Pravin Kumar,
Age 30 years (O.T. Technician),
S/o Shri Deep Chand,
R/o V.P.O. Mohana, Sonapat, Haryana.
24. Bijender Kumar,
Age 32 years (Lab Technician),
S/o Shri Dariva Singh,
R/o V.P.O. Purkach, The. Ganaur Sonapat,
Haryana-131001.
25. K. Nianglal Kim,
Age 31 years (Lab Assistant),
D/o Shri Ginzathang,
C/o Lianneo, 11-B, Sec.-04, M.B. Road, Pusp Vihar,
Delhi-17.
26. Pramod Kumar Chauhan,
Age 34 years (Lab Technician),
S/o Shri Bharam Singh, R/o Vill. Uldeypur, Post-
Rajpura, Distt-Meerut U.P.-25001.
27. Amit Prakash,
Age 28 years (Technical Assistant),
S/o Shri Om Prakash,
R/o H.No.198/22, Krishna Nagar, Kath Mandi, Sonipat
Haryana-131001.
28. Santosh Bedi,
Age 30 years (Lab Assistant),
W/o Shri Vikash Rohilla, R/o 2215, Sec.-12,
Sonipat, Haryana-131001.
29. Sumit Sharma,
Age 34 years (Lab Technician),
S/o Shri Shyam Sunder Sharma, R/o 678, Miltri
Road, Pubjabi Basti Anand Parvat, New Delhi-05.
30. Suresh Kumar,
Age 36 years (Lab Technician),
S/o Shri Keshri Prashad, R/o Vill. Pelak , Post-
Sihol, The/Distt.-Palwal Haryana.
31. Tika Ram,
Age 29 years (Tech. Asst.),
S/o Shri Net Ram,
R/o Village Ali Braham, The-Hathin, P.O.-
Alimeo, Distt-Palwal Haryana.

32. Anurag Harsh,
Age 29 years (Technical Assistant),
S/o Shri Raj Kishor Kumar,
R/o J-41, Laxmi Nagar, Delhi.
33. Arun Kumar Rana,
Age 26 years (Lab Technician),
S/o Shri Mohan Singh Rana, R/o H.No.248, DDA
Janta Flat, GTB Enclave Delhi-93.
34. Harish Kumar,
Age 26 years (O.T. Technician),
S/o Shri Balwan Singh,
R/o H.No.89/28, Gopal Nagar, Near Shiva Shiksha Sadan
School, Sonipat Haryana-131001..
35. Raj Kumar Saini,
Age (O.T. Technician),
S/o Shri Rishipal Saini,
R/o A-667, Shanti Nagar,
Indra Puri Extension,
Loni Puri Extension,
Loni, GZB, U.P.
36. Sanjay,
Age 30 years (O.T. Technician),
S/o Shri Hari Chand,
R/o 65, Hill Comp. Taimoor Nagar,
New Delhi-25.
37. Saimeen Raza,
Age 28 years (Technical Assistant),
D/o Shri Mhsin Raza,
R/o H.No. 3309,
Baghichi Achchi ji,
Bara Indu Rao, Delhi-110006.
38. Khushbu Gauri,
Age 28 years (Technical Assistant),
W/o Shri Yaseen Ahmed,
R/o 2157/77 A, Guru Arjun
Nagar, Near Shadipur, Metro
Station, New Delhi-08.

39. Bhupesh Kumar Sharma,
Age 28 years (Lab Technician),
S/o Shri Khem Chand
Sharma, R/o V.P.O.-Bathain
Kalan, Teh-Chhata Distt-
Mathura, Mohalla-Nivari.
40. Naveen Kumar,
Age 25 years (O.T. Assistant),
S/o Jai Bhagwan,
R/o Village Nakloi, Post
Bidhlan, Teh-Karkhodha, Distt.
Sonipat Haryana.
41. Harish Chandra,
Age 33 years (O.T. Technician),
S/o Shri Nandram,
R/o 76, Pradeep Vihar,
Nathu Pura, B-Block, Gali
No.6, Burari, Delhi-84.
42. Vimal Kumar
Age 27 years (O.T. Tech.)
S/o Ram Baboo Yadav
R/o Akorha, Post Amiliya
Kala Meja, Allahabad,
U.P. 212303

...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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