

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP No. 140/2019
in
OA No. 3750/2016**

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. Siddhartha Shankar Rai,
Age 34 years (Staff Nurse),
S/o Shri Ramashary Rai,
R/o F-15, B Gali No.A-5,
First Floor, East Vinod Nagar, Delhi-91.
2. Jiney Varghese,
Age 33 years (Staff Nurse),
S/o Shri K.A. Varghese,
R/o B-Pkt, B5, Mayur Vihar Ph.-3,
Delhi-96.
3. Suresh Kumar,
Age 33 years (Staff Nurse),
S/o Shri Dairam,
R/o 3/42, Trilok Puri, Delhi-91.
4. Preeti Chaudhary,
Age 30 years (Staff Nurse)
S/o Sh. Ravindra Pal Singh,
R/o O-13, Vihar,
Near Yamuna Sport Complex.
5. Gorkha Ram Chaudhary,
Age 36 years (Staff Nurse),
S/o Sh. Dama Ram Choudhary,
R/o H.No.170, Goswami Marg,
Khichripur, Delhi-91.
6. Anju Rani,
Age 32 years (Staff Nurse),
S/o Sh. Mahak Singh,
R/o H.No.4/2825, Gali No.1,

Behari Colony, Delhi-32.

7. Sandeep Kumar,
Age 35 years (ECG Technician),
S/o Sh. Mahavir Singh,
R/o U-38, Budh Vihar,
Phase-I, Delhi-86.
8. Urmila Maurya,
Age 28 years (ECG Technician),
S/o Sh. Surya Mani Maurya,
R/o C-34 A, West Vinod Nagar,
T/F Baekside Near Aggarwal Sweet,
Delhi.
9. Rajni Sharma,
Age 34 years (Staff Nurse),
S/o Sh. Prabhat Kumar Sharma,
R/o D-120, Sec-26,
Noida-201301.
10. Vinay Kumar,
Age 30 years (Lab Assistance),
S/o Sh. Suresh Babu,
R/o Om Nagar Khan Pur Chowk,
Near Police Station Gali No.2,
Dist. U.P.
11. Deepika Sharma,
Age 30 years (Lab Assistance),
S/o Sh. Ashok Sharma,
R/o A-106, East Nathu Colony,
Street No.3, Shahadra,
Delhi-93.
12. Deepak Kumar,
Age 25 years (Lab Assistance),
S/o Sh. Raj Kumar,
R/o H.No.215/2A, Rajiv Gali No.3,
Mandawali, Delhi-92.
13. Krishanveer Singh,
Age 31 years (Lab Assistance),
S/o Sh. Jagveer Singh,
R/o E-3/58.
14. Tarun,
Age 28 years (O.T. Assistance),

S/o Sh. Lal Bahadur Chaudhary,
R/o G-311, Gali No.32,
West Karawal Nagar, Delhi-94.

15. Gopal Singh Sikarwar,
Age 34 years (O.T. Assistance),
S/o Sh. Yudhisthar Singh,
R/o R.No.7, 4th Floor,
H.No.137, Mukhiya ji wali Gali No.2,
Khichripur, Delhi-91.
16. Hemant,
Age 30 years (O.T. Assistance),
S/o Sh. Gulab Singh,
R/o Q.No.32, L.B.S. Hospital,
Khichripur, Delhi-91.
17. Santosh Kumar Verma,
Age years (Staff Nurse)
S/o Sh. Jai Ram Verma,
R/o V+P-Garhi (Mamor),
Th-Thanaganari, Dist. Alwar (Raj.)
Pin Code 301024.
18. Lalit,
Age 28 years (O.T. Assistance),
S/o Sh. Parmod Kumar,
R/o D-67, New Ashok Nagar, Delhi-96.
19. Shiv Shankar Kumar,
Age 30 years (O.T. Assistance),
S/o Sh. Ram Lakhan Singh,
R/o 32, Mandawali Village,
Delhi-92.
20. Satish Kumar,
Age 33 years (O.T. Assistance),
S/o Sh. Nand Kishore,
R/o Village & Post Kheri,
Dist. Gautam Budh Nagar U.P.

.. Applicants

(Through Advocate Shri Harish Kumar)

Versus

1. Shri Vijay Kumar Dev,
Chief Secretary, Govt. of NCT of Delhi
New Secretariat, New Delhi.

2. Dr. Sanjeev Khirwar,
Principal Secretary (Health),
Govt. of NCT Delhi,
New Secretariat, New Delhi.

3. Dr. Amita Saxena,
Medical Superintendent,
L.B.S. Hospital,
Khichripur, Delhi.

.. Respondents

(Through Advocate Shri Amit Yadav)

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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