

**CENTRAL ADMINISTRATIVE TRIBUNAL
61/35, COPERNICUS MARG, NEW DELHI-110001**

Order Sheet

Item no.: 63
C.P./90/2022 (DELHI)
In
O.A./2487/2016
TERMINATION
Court No.: 2

No of Adjournment: 10

Order Dated: 22/07/2022

**LOVE THAKUR
Vs
RAJESH BHUSHAN SECRETARY M/O HEALTH AND FAMILY WELFARE**

For Applicant(s) Advocate : Shri Sachin Chauhan with Shri Rajesh Chauhan

For Respondent(s) Advocate : Shri Gyanendra Singh

Order of The Tribunal

The present Contempt Petition alleges wilful defiance of the directions contained in the interim order passed by this Tribunal on 27.07.2016 in OA No.2487/2016. The limited direction was given vide the aforementioned order to the respondents that they shall maintain the status quo in respect of the applicants for a period of two weeks. The said interim order got extended during the course of the hearing on successive dates and was in operation till the filing of the present CP.

Briefly stated, the applicants were contractual employees in Dr. Ram Manohar Lohia Hospital, New Delhi and had approached this Tribunal in the aforesaid OA against the proposal to terminate their services and the said proposal of termination has been stayed vide the aforementioned impugned order. However, vide a letter dated 22.02.2022, the respondents issued a communication directing that the services of the applicants shall stand terminated w.e.f. 31.03.2022. Subsequently, this communication has been given effect to and the applicants' contract/services stand terminated, thus, rendering the interim protection

given to the applicants infructuous. It is against this action of the respondents that the present Contempt Petition has been filed. The respondents instead of filing affidavit of compliance, have filed a counter reply, wherein, they have tried to justify their action, primarily arguing on the grounds taken up in the Original Application. There is not even a hint of any regret in the said counter reply.

When this petition came up for hearing on 18.07.2022, the learned counsel for the respondents had sought a short time to obtain fresh instructions from the respondents, on account of some additional documents, which had been filed by the learned counsel for the petitioners. However, no additional documents or fresh instructions have been submitted today. There is no ambiguity in the interim order passed on 27.07.2016. The order clearly mentions the proposal of the respondents to terminate the services of the applicants and in the context of this proposal directs the respondents to maintain status quo in the case of the applicants. Status quo was in operation for six years but on 22.02.2022, the respondents have chosen to terminate the services of the applicants, thus not only rendering the interim order infructuous but assuming the authority superior to the Tribunal and virtually rendering the entire OA infructuous. *Prima facie*, the act of the respondents is highly contemptuous and deserves proceedings under the Contempt of Court Act, 1971. Moreover, the counter reply filed by them tries to justify their action, indirectly hinting that by this disobedience, they have acted, strictly in accordance with law.

Against this background, we are not prepared to accept the situation. Moreover, the counter reply has been filed and affidavit in support thereof is sworn by an officer who is neither the respondent in the OA nor contemnor in the Contempt Petition.

Be that as it may, we allow a period of two days and no more to the respondents to take necessary corrective steps and file a fresh affidavit of compliance, demonstrating the compliance of this Tribunal's order in

letter and spirit, failing which, the respondents No.2 and 3 i.e. Shri B.L. Sherwal and Shri R.B. Khushwaha, shall remain present in the Tribunal personally, on the next date of hearing.

List on 25.07.2022.

Tarun Shridhar
Member (A)

R. N. Singh
Member (J)

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