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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 113/2016

PARA MEDICAL TECHNICAL STAFF WELFARE

ASSOCIATION OF MCD

..... Petitioner

Through Mr.Anuj Aggarwal, Advocate.

versus

P K GUPTA & ANR

..... Respondents

Through Ms.Monika Arora, Advocate for
NDMC.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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11.07.2016

1. In view of Notification No.1078/G-4/Gen./DHC dated 6th July, 2016, the cases fixed for 8th July, 2016 have been taken today.
2. It is pertinent to mention that the present contempt petition has been filed alleging wilful disobedience of order dated 2nd September, 2015 passed in W.P.(C) No.3082/2015 wherein a Coordinate Bench of this Court gave liberty to the petitioner to file an application seeking recognition and further directed the respondent nos. 1 to 3 to consider the petitioner's application within a period of one month.
3. Though in the present contempt petition, it has been averred that the petitioner's application dated 15th September, 2015 has not been decided, yet today learned counsel for the petitioner admits that the petitioner's application has been disposed of vide Office Order dated 1st June, 2016. He, however, states that rejection of the petitioner's application for recognition vide Office Order dated 1st June, 2016 constitutes contempt as this Court had directed the respondent nos. 1 to 3 to grant recognition upon the petitioner

surrendering a room in Hindu Rao Hospital premises. In support this contention, learned counsel for the petitioner relies upon the judgment of the Apex Court in *Bihar State Govt. Selection School Teachers Association Vs. Ashok Kumar Sinha & Ors, reported in Manu/SC/0438/2014.*

4. On the other hand, learned counsel for the respondent-Union of India states that with the passing of the Office Order dated 1st June, 2016, the present contempt petition has become infructuous. She points out that the Coordinate Bench of this Court while disposing of the petitioner's writ petition had given liberty to respondent nos. 1 to 3 to either grant recognition to the petitioner association or to reject the petitioner's application after giving reasons therefor.

5. Having heard the learned counsel for the parties and having perused the order dated 2nd September, 2015 disposing of W.P.(C) No.3082/2015, this Court is of the opinion that there was no mandate or direction given by the learned Single Judge to allow the petitioner's application for recognition upon surrender of the room in the Hindu Rao Hospital. The operative direction as contained in paragraph 14(II) is reproduced hereinbelow:-

“14.(II) Subject to the petitioner fulfilling all the formalities/parameters required to be completed therefor, the respondents No.1 to 3 NrDMC shall, within one month of receipt of application, either grant recognition to the petitioner Association or if do not find the petitioner entitled to recognition, reject the application giving reasons therefor.”

6. Consequently, the petitioner's contention that the recognition had to be granted to the petitioner association upon surrender of the room in Hindu Rao Hospital is contrary to the facts.

7. Accordingly, the judgment of the Supreme Court in *Bihar State Govt. Selection School Teachers Association* (supra) is clearly inapplicable.

8. In view of the disposal of the petitioner's application, the present contempt petition is disposed of.

9. However, the petitioner is given liberty to challenge the Office Order dated 1st June, 2016 in accordance with law. Rights and contentions of all the parties are left open.

MANMOHAN, J

JULY 11, 2016
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