

S-24-26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 46/2017**

GOVERNMENT OF NCT OF DELHI & ANR Petitioners

Through: Mr. Santosh Kumar Tripathi, ASC
with Mr. Rizwan, Advocate

versus

SWATANTRA NAYYAR & ANR Respondents

Through: Mr. Saurabh Ahuja, Advocate

WITH

+ **W.P.(C) 48/2017**

GOVERNMENT OF NCT OF DELHI & ANR Petitioners

Through: Mr. Santosh Kumar Tripathi, ASC
with Mr. Rizwan, Advocate

versus

PARAMJEET KAUR DHILLON & ANR Respondents

Through: Mr. Saurabh Ahuja, Advocate

WITH

+ **W.P.(C) 49/2017**

GOVERNMENT OF NCT OF DELHI & ANR Petitioners

Through: Mr. Santosh Kumar Tripathi, ASC
with Mr. Rizwan, Advocate

versus

RAJ DULARI GUPTA Respondent

Through: Mr. Saurabh Ahuja, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

Signature Not Verified

Signing Date: 05.10.2024 17:15:06
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

ORDER

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04.01.2017**CM Nos.283/2017, 287/2017 & 289/2017**

Allowed, subject to all just exceptions.

The application is disposed of.

WP(C) Nos.46/2017, 48/2017, 49/2017 & CM Nos.282/2017, 286/2017, 288/2017

These writ petitions by the Government of National Capital Territory of Delhi and its functionary, the Chief Secretary, impugn the common order dated 23.12.2016 passed in CP No.100/233/16.

At the very outset, we record that the petitioners have given-up their challenge to the impugned order, insofar as directions have been issued for compliance of the decision dated 19.1.2016. We would record that the order dated 19.1.2016 disposed of OA Nos. 23088-90/2015. This order, in turn, refers to earlier round of litigation, resulting in the order dated 6.8.2010 passed in WP(C) Nos. 10640/2009 and 13238/2009. The respondents herein were thereafter compelled to file two contempt petitions before the High Court. The first contempt petition was disposed of, recording that the petitioners had issued order dated 23.1.2014. The second contempt petition was disposed of on 3.5.2015 recording as under:

"In the opinion of this Court, with the issuance of the order dated

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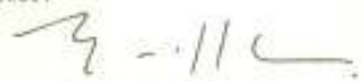
23rd January, 2014 by the Lieutenant Governor, Delhi, the limited direction given by the Division Bench vide judgment and order dated 06th August, 2010 stands complied with. In fact, the said position had been accepted by the petitioners when they had not pressed their earlier contempt petition being Cont. Cas.(C) 533/2012. Admittedly, the pecuniary benefit has not been given to the petitioners as consent of Ministry of Home Affairs, Government of India and DOPT, Government of India, is required. Since neither of them are parties to the present contempt petition, this Court is of the view that no 10 OA 3088/2015 with two others further orders can be passed in the present contempt petition. However, the statement of learned counsel for respondents is accepted that they would pursue the matter with the Ministry of Home Affairs and DOPT. This Court expects that the Ministry of Home Affairs and DOPT shall promptly deal with the request put forward by the Delhi Government and the petitioners. With the aforesaid observations, present contempt petition and pending application stand disposed of."

During the course of hearing, learned counsel for the petitioners, on instructions, states that the Lieutenant Governor of Delhi, vide order dated 3.1.2017, has granted approval for grant of pay-scales mentioned in the order dated 23.1.2014. The approval order is expected to be received today, and payments would be made to the respondents or on or before 31.1.2017.

It is also submitted that Ms. Puniya Salila Srivastava, Secretary, Department of Training and Technical Education, against whom bailable warrants have been issued, is on child care leave and is presently outside India. She is to return to India on 27.1.2017. It is stated that she would appear before the Tribunal on any date and time convenient to the Tribunal.

We take on record the statement made, on instructions, by learned counsel for the petitioners and dispose of the writ petitions, requesting the Tribunal to adjourn the hearing fixed on 5.1.2017, to any date in February and on the said date, Ms. Puniya Salila Srivastava will appear before the Tribunal. The petitioners will also file a compliance report before the Tribunal on the date fixed in February, 2017. As already noted above, the petitioners have made a statement that the payments would be made to the respondents, in terms of the order dated 23.1.2014 on or before 31.1.2017. We clarify that in view of the said statement, the bailable warrants issued against Ms. Puniya Salila Srivastava need not be executed.

Dasti under the signature of the Court Master.


SANJIV KHANNA, J


CHANDER SHEKHAR, J

JANUARY 04, 2017/tp