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

+ W.P.(C) 10231/2016

GAUTAM SAHARIA & ORS

..... Petitioner

Through: Mr. R.K. Shukla, Adv.

versus

UNION OF INDIA & ORS

..... Respondent

Through: Dr. Ashwani Bhardwaj, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

**ORDER**

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**05.08.2019**

**C.M. No. 35204/2019**

By this application, the respondent seeks extension of time by six months to comply with the order dated 26.07.2017. This Court, while disposing of the writ petition had directed the respondents to take a considered decision within the shortest possible time and preferably within the period of three months from the date a copy of the order is received by the respondents in the matter of re-structuring of the cadre and creation of promotional avenues for the petitioners. The said period of three months expired in October, 2017.

It appears that the respondents did not take any effective steps to

implement the said decision and only when the petitioner initiated contempt proceedings, there was some activity undertaken. The respondents have disclosed in the application that the proposal for grant of one time relaxation in Recruitment Rules, 2010 in respect of SI (Nurse) was submitted to the M.H.A. on 21.02.2019. That is well after the expiry of the term of three months granted by the Court on 26.07.2017. The application also discloses that the DIG (Adm) Directorate, National Disaster Response Force intimated the proposal for upgradation of HC (ANM) and HC (Paramedic) recruited/appointed by the BSF & CRPF on 25.04.2019 with the MHA (DM Division) for upgradation as SI (Nurse) and ASI (Pharmacist) respectively vide letter dated 05.04.2019. Paragraph 5 of the application shows that the matter is under active consideration of the MHA and the case is likely to be resolved soon. Once the relaxation is given by MHA, further process to promote HC (Nurse/ ANM) and HC (Paramedic) fulfilling all promotional conditions will be taken by the Department on priority.

Mr. Bhardwaj submits that he represents Union of India which also includes M.H.A. The application is vehemently opposed by learned counsel for the petitioner who submits that the contempt proceedings are in progress and senior officers of the respondents have been summoned on account of non-compliance of the order dated 26.07.2017.

Though, the respondents have shown utter negligence in the matter of compliance of the order dated 26.07.2017, since, the respondents have assured that the decision of the Court would be implemented without any further delay, we grant three months time from today to the respondents to ensure implementation of the said decision. This is subject to the condition that the respondents shall file a progress report every month with regard to

the progress made in the matter. The progress reports shall be shared with the petitioners. In case, the respondents do not comply with this order, it shall be open to the petitioners to press for contempt before the Court dealing with the contempt of the petitioner.

The application stands disposed of in the aforesaid terms.

Dasti.

**VIPIN SANGHI, J**

**RAJNISH BHATNAGAR, J**

**AUGUST 05, 2019**

*N.Khanna*