

\$~21

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

+ W.P.(C) 5592/2018

SURENDER THAKUR AND ORS. Petitioners

Through: Mr. U. Srivastava, Advocate with
Ms. Neelima Rathore, Advocate.

versus

UNION OF INDIA AND ORS.Respondents

Through: Mr. Akshay Makhija, CGSC with
Mr. Vinod Tiwari and Ms. Seerat Deep Singh,
Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

16.08.2018

1. At the outset, learned counsel for the petitioners seeks to confine the present petition to the petitioners No.1 and 2 and states that the name of the petitioner No.3 may be deleted from the memo of parties. Ordered accordingly. The name of the petitioner No. 3 is directed to be deleted from the array of parties.
2. Though a reply to the contempt petition filed by the respondents is not on record, a copy thereof has been furnished by learned counsel for the petitioners and the same is taken on record.
3. The petitioners are aggrieved by the order dated 19.2.2018, passed by the Central Administrative Tribunal, discharging the notice of contempt issued to the respondents in C.P. No. 772/2017.

4. We may note that C.P. No. 772/2017 was filed by the petitioners stating *inter alia* that the respondents are in contempt of the interim order dated 01.11.2017, passed in O.A. No. 3810/2017 wherein, they were directed to continue the services of the applicants in preference to their juniors/freshers/outsourced employees, in case work was available in the Department.

5. Learned counsel for the petitioners states that while passing the impugned order, the Tribunal overlooked the fact that in the contempt petition, the petitioners had furnished the details of those persons, who were junior to the petitioners and were continuing in service whereas, the services of the petitioners had been dispensed with. Learned counsel submits that the reply filed by the respondents to the contempt petition was extremely evasive and did not deal with the specific averments made in para-2 of the contempt petition wherein, the names of the 10 persons, junior to the petitioners, were furnished along with dates of their respective appointments. Additionally, he states that the said para also refers to the names of three persons who were appointed in September, 2017, while the services of the petitioners were dispensed with, which action is contrary to the interim order passed by the Tribunal. He submits that the said aspect has not been dealt with by the respondents in the reply filed to the contempt petition.

6. We are of the view that the impugned order has been passed without looking into the aforesaid aspect or dealing with the contention of the petitioners and is therefore not sustainable. Accordingly, the order dated

19.02.2018 is quashed and set aside. The contempt petition is revived for re-consideration by the Tribunal.

7. Learned counsel for the respondents states that if the matter is to be remanded to the Tribunal for a fresh hearing, then they may be permitted to file a better affidavit in support of the averments made in the reply to the contempt petition. Liberty is granted to the respondents to seek the said relief from the Tribunal.

8. The present petition is allowed and disposed of while directing the parties to appear before the Tribunal on the date fixed in O.A. No. 3810/2017, for C.P No. 772/2018, to be taken up for hearing on the same date.

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 16, 2018
ap/rkb