

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

*Date of Order: May 25, 2018*

+ **W.P.(C) 5683/2018 & CM 22118/2018**

**DELHI ASPATAL THEKA KARAMCHARI UNION AND ORS.**

.....Petitioners

Through: Mr. Rakesh Shukla and Ms.  
Sumita Hazarika, Advocates

versus

**SAFDARJUNG HOSPITAL AND ORS.**

.....Respondents

Through: Mr. Rakesh Kumar, CGSC with  
Mr. Vinod Tiwari, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**

**(ORAL)**

1. Petitioner No.1-*Union* and other petitioners are aggrieved by outsourcing of house-keeping service through fourth respondent. Petitioners represent erstwhile contractor-M/s. *Sudarshan Facilities Private Ltd.*, who had been providing house-keeping service to respondent-Hospital for the last many years.

2. Petitioners' counsel places reliance upon decision in *Anil Lamba & Ors. v. Govt. of NCT & Ors.*, 238 (2017) DLT 760 to submit that one set of contractual employees cannot be replaced by another set of contractual employees. He further submits that there is no response to petitioners' Representation of 10<sup>th</sup> May, 2018 (*Annexure P-3*) made to the Medical Superintendent of respondent-Hospital and another Representation of 14<sup>th</sup>

May, 2018 (*Annexure P-4*) made to respondent-*Director, General Health Services*.

3. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with permission to petitioner No.1-*Union* to make a fresh concise Representation to respondent-Hospital within a week from today, to seek the relief as sought in this petition. If such a Representation is received by respondent-Hospital, then it be considered in light of decision in *Anil Lamba (supra)* within a period of four weeks by passing a speaking order thereon and its fate be conveyed to petitioner No.1-*Union* within a week thereafter, so that petitioners may avail of the remedies as available in law, if need be.

4. With aforesaid directions, this petition and the application are disposed of.

Copy of this order be given *dasti* to counsels for petitioners as well as respondent-Hospital.

(SUNIL GAUR)  
JUDGE

**MAY 25, 2018**

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