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

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Date of Judgment : 19th September, 2019

+ W.P.(C) 161/2017

**DELHI STATE INDUSTRIAL & INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD. (DSIIDC) & ORS**

..... Petitioners

Through Mr. Gaurang Kanth with Ms.Eshita
Baruah, Advocates

versus

RAJESH KUMAR & ORS

..... Respondents

Through Mr. M.K. Bhardwaj with Mr.
Shubham Garola, Advocates

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

G.S. SISTANI, J. (ORAL)

1. The present writ petition is directed against the order dated 15.09.2016 passed by the Central Administrative Tribunal (the 'Tribunal') in a contempt petition being CP.No.96/2016.
2. Mr. Kanth, learned counsel for the petitioners submits that Tribunal has directed the petitioners to comply with its order dated 04.02.2014, whereas this order was assailed by the petitioners by filing a writ petition being W.P.(C). 4408/2014 and the order of the Tribunal stands modified by a Division Bench of this Court. Mr. Kanth, has labored hard to say that the submission of the petitioners was duly accepted by the Division Bench of this Court while passing the order dated

19.01.2016 in W.P.(C). 4408/2014, wherein it was recorded that out of 13 respondents, 12 respondents (except Hari Om), have been appointed to the post of AG-III, now merged with AG-II. He submits that keeping this in view, the Division Bench observed that *“this being the factual position, we would not like to interfere with the impugned order, which relied on principle of parity noticing the fact that the casual workers, who were working in the post of AG-III, now AG-II, were given appointment as one-time measure, provided the said casual workers were meeting the eligibility norms.”*

3. Mr. Bhardwaj, learned counsel for the respondents submits that this submission of the petitioners herein was correct to the extent that 12 out of 13 respondents were appointed but not pursuant to the directions of the Tribunal, but on account of promotion as a routine exercise. He submits that the effect would be that, according to the petitioners the order of the Tribunal stands complied with, however in fact, it has not been complied with in letter and spirit since, according to the Tribunal's order dated 04.02.2014, compliance would have to be from 07.09.2010 by virtue of regularization. Mr. Kanth however, submits that since the respondents have been regularized as aforesaid, the letter and spirit of the order of the Tribunal stands complied with.
4. We have heard the learned counsels for the parties.
5. The only question which arises for consideration before us is as to whether the order of the Tribunal dated 04.02.2014 merges with the order dated 19.01.2016 of this Court or not. Both learned counsels for the parties are in agreement that in law the order of the Tribunal would stand merged with the order dated 19.01.2016, but Mr. Bhardwaj

submits that although 12 out of 13 respondents stand appointed but that came about in routine and not in compliance with the order of the Tribunal.

6. It may be noted that the impugned order has been passed in contempt proceedings. The Tribunal has not examined whether the petitioners have complied with the order of the Tribunal and the effect of the statement made before the Division Bench by the petitioners. Accordingly, we dispose of the petition making it clear that in case the respondents have any grievance with respect to non-compliance of orders dated 04.02.2014, 19.01.2016 and/or 15.09.2016, it is for them to take recourse to such remedy as may be available to them in accordance with law.

7. With these observations, the writ petition stands disposed of.

CM.APPL 757/2017(stay)

8. The application stands dismissed in view of the order passed in the writ petition.

नस्यमेव जयते

G.S. SISTANI, J

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 19, 2019

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