

\$~20

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

+ **W.P.(C) 2444/2019**

NARINDER SINGH AHUJA & ANR Petitioner

Through Mr.P.I.Jose with Mr.Shashank
Mishra, Advs.

versus

THE UNION OF INDIA & ORS Respondent

Through Mr.R.V.Sinha with Mr.A.S.Singh &
Mr.Amit Sinha, Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **12.03.2019**

C.M. No.11397/2019

Exemption allowed, subject to all just exceptions.

W.P.(C) 2444/2019 & C.M. No.11396/2019

The petitioners assail the order dated 11.02.2019 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in O.A No. 497/2019.

The Tribunal has disposed the said original application as premature by holding that the petitioners had not made a representation and, therefore, had not exhausted other remedies available to them before approaching the Tribunal. In this regard reference was made to section 20 of the Administrative Tribunal Act, 1985.

The submission made by the learned counsel for the petitioner is that the Tribunal failed to appreciate that the petitioner had already made a representation vide an email dated 05.01.2019.

Issue notice, counsel for the respondents accepts notice.

We have heard the submissions of learned counsel for the parties. In our view the grievance of the petitioner in relation to the office memorandum dated 01.02.2019 calling for options from the serving contractual employees like the petitioners is premature.

The petitioners have been given the option either to continue under the existing contract, or to opt to participate in the new selection process. It is for the petitioners to exercise their option in the manner they think fit.

The apprehension of the petitioners is that their services may be discontinued by engaging other contractual appointees on the posts on which they are working. In this regard we only wish to reiterate that the respondents will remain bound to follow the earlier decision of this Court in W.P.(C)No.1741/2014 dated 03.11.2014 titled ***Narinder Singh Ahuja and Ors v. The Secretary, Ministry Of Health And Family Welfare And Ors.***

It is made clear that we have not gone into any other issue in the present petition. In case the petitioners exercise their option, within the next three days, the same shall be entertained by the respondents.

The petition is disposed of in the aforesaid terms alongwith pending application.

Dasti.

VIPIN SANGHI, J

REKHA PALLI, J

MARCH 12, 2019
sr