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

+ W.P.(C) 2876/2019

SUBHASH AND ORS. Petitioners
Through Dr. Harsh Surana, Ms. Deepali S.
Surana and Mr. Sandeep Malik,
Advocates

versus

GOVT. OF N.C.T. OF DELHI AND ANR. Respondents
Through Ms. Palak Rohmetra, Advocate for
Ms. Avnish Ahlawat, Standing
Counsel for GNCTD

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER
% **20.03.2019**

By the present petition, the petitioner seeks direction for quashing of order dated 26.11.2007 issued by the department of Health and Family Welfare Government of NCT of Delhi whereby it is stated that all existing and future vacancies of Group D posts in respect of Government NCT of Delhi hospital/medical institution established on 4.2.2007 are to be filled on outsourcing basis. Admittedly, the petitioners were earlier working with hospital of respondent no.2 and on their termination they have challenged it before this Court. Ultimately the matter was reached upto the Supreme Court and their petitions were disposed of vide order dated 19.02.2016 by recording as under:-

“....5. In our view, the interest of the appellants can be protected and the cause of justice be also advance in case

a direction is issued to the respondent –Hospital that in future if any Class-IV vacancy under the respondent-Hospital is filled up, preference shall b e given to the appellants according to their inter-se seniority. Needless to say that the objection on age bar shall be ignored.”

Nowhere in the present petition, it is mentioned that respondent no.2 is filling up the post of Group-D and not considering the petitioners. Therefore, no cause of action arise in terms of order dated 19.02.2016 passed by the Hon’ble Supreme Court.

The petition is, accordingly, at pre-mature stage and, hence, the same is dismissed.

SURESH KUMAR KAIT, J

MARCH 20, 2019

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