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

Date of decision: 12th February 2020

+ W.P.(C) 1560/2020

BHIM SINGH

..... Petitioner

Through: Mr. Dinesh Kumar, Advocate

versus

EAST DELHI MUNICIPAL CORPORATION (EDMC)

..... Respondent

Through: Mr. Abhinav S. Aggarwal, ASC with
Mr. Vinod Goyal, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S. SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T

G.S.SISTANI, J. (ORAL)

CM APPL.5437/2020 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 1560/2020

The present petition is directed against the order dated 13.12.2019 passed by the Central Administrative Tribunal ('Tribunal', for short) by which the Contempt Petition filed by the petitioner has been rejected.

2. In this case, aggrieved by the action of the respondent in not providing compassionate appointment, the petitioner filed OA No.224/2016

which was decided by order dated 23.01.2019, the operative portion of which reads as under:-

"17. Under the circumstances, without passing any order on whether the non appointment of the applicant on compassionate grounds was correct or not, in the interest of justice, the OA is disposed of with a direction to the respondent to consider the case of the applicant for compassionate appointment in accordance with law and pass a self contained and speaking order within ninety days from the date of receipt of a certified copy of this order. A copy of the order so passed by the respondent shall be duly communicated to the applicant within two weeks of the passing of the order. No costs."

3. The respondent passed a speaking order on 18.04.2019 but rejected the request of the petitioner, which led to the filing of the contempt petition.

4. Learned counsel for the petitioner submits that the earlier Bench of the Tribunal was highly sensitive to the issue raised by the petitioner, which is evident from a reading of order dated 25.11.2019; however, when the matter was listed on 13.12.2019, the contempt petition was dismissed with the Tribunal taking the view that order dated 23.01.2019 had been complied with.

5. We have heard learned counsel for the parties and have considered their submissions.

6. The direction contained in order of 23.01.2019 was that the respondent was to consider the case of the applicant/petitioner for compassionate appointment in accordance with law ; and pass a self-contained and speaking order within 90 days from the receipt of the certified

copy of the Tribunal's order. This direction of the Tribunal was complied with when the speaking order dated 18.07.2019 was passed.

7. Learned counsel for the petitioner has much to say on the merits of this order. But in this writ petition this court is only concerned with the correctness of the order passed by the Tribunal in the contempt petition.

8. In our view, there is no infirmity in the order of the Tribunal passed in the contempt petition. The direction contained in order dated 23.01.2019 has been complied with ; and a speaking order has been passed.

9. Learned counsel for the petitioner submits that in view of the above, he would challenge the order dated 18.04.2019 separately. The petitioner is at liberty to seek his remedies as may be available in accordance with law.

10. As for the present proceedings, we find no merit in the petition; and the same is accordingly dismissed.

G.S.SISTANI, J.

ANUP JAIRAM BHAMBHANI, J.

FEBRUARY 12, 2020/vk