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

+ CONT.CAS(C) 790/2019
HARLEEN KAUR & ORS

..... Petitioners

Through: Mr. M.K. Bhardwaj, Advocate with
Ms. Navneet Kaur, Advocate.

versus

VARSHA JOSHI, COMMISSIONER, NORTH DELHI
MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Ms. Mini Pushkarna, Standing
Counsel for respondents Nos.1 and 2
with Ms. Khushboo Nahar, Advocate,
Ms. Latika Malhotra, Advocate and
Mr. Giridhar Dwivedi, JSA, NDMC
and Mr. Dharamveer, MI, East DMC.
Ms. Biji Rajesh, Advocate for
respondent No.3.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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12.03.2020

By way of the present contempt petition the petitioners had sought the following reliefs:-

"i) To initiate contempt proceedings against the respondents for willful violation of order of Hon'ble Court dated 20.11.2018 passed in Writ Petition (C) No.3692/2016.

ii) To direct the respondents to ensure compliance of aforesaid order 20.11.2018 passed in Writ Petition (C) No.3692/2016 without any further delay.

iii) To direct the respondents to compensate the petitioners by paying salary 2008 onwards with 12% interest."

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Order dated 20.11.2018 made in W.P.(C) No.3692/2016 said the following:-

"Accordingly, we dispose of these writ petitions by modifying the order of the Tribunal to the extent that the consequential monetary benefits shall be granted to the respondents only from the dates when the twelve posts of Entomologist were created in the year 2008. Compliance shall be made by the petitioners within eight weeks from today."

(Emphasis Supplied)

Order dated 20.11.2018 was taken-up by the respondents before the Supreme Court by way of Civil Appeal No.8974/2019, which was disposed of by the Supreme Court by order dated 22.11.2019 in the following terms:-

"7. We, accordingly, order and direct that the grant of monetary benefits shall be with effect from the date of the judgment of the Central Administrative Tribunal i.e. with effect from 1 October 2015. However, we clarify that the respondents would be entitled to notional pay fixation and continuity of service.

8. Subject to the aforesaid modification, the appeal is disposed of. Compliance shall be effected within a period of two months from the date of receipt of a certified copy of this order."

(Emphasis Supplied)

Mr. M.K. Bhardwaj, learned counsel appearing for the petitioners states that despite the two months period granted by the Supreme Court having run-out, the respondents have yet not complied with the orders made by a Division Bench of this court as modified by

the Supreme Court.

Ms. Mini Pushkarna, learned counsel appearing for the respondents states that compliance is being made; internal approvals have been obtained; and the orders will be given effect to within four weeks from today.

Be that as it may, the position is that the time frame granted by a Division Bench of this court by order dated 20.11.2018 was subsequently modified by the Supreme Court by order dated 22.11.2019. In this view of the matter, non-compliance, if any, is of the time frame granted by the Supreme Court by order dated 22.11.2019 since the High Court order dated 20.11.2018 stood modified by the order of the Supreme Court.

In this view of the matter, nothing survives insofar as the prayer made in the present petition is concerned. The contempt petition is accordingly dismissed.

ANUP JAIRAM BHAMBHANI, J

MARCH 12, 2020

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