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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8864/2024 and CAV 282/2024, CM APPL. 36028/2024, CM
APPL. 36029/2024, CM APPL. 36030/2024
ALL INDIA INSTITUTE OF MEDICAL SCIENCES AND ANR
..... Petitioners
Through: Mr. V.S.R. Krishna, Advocate.

versus

RAM PHOOL AND ORS Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE GIRISH KATHPALIA

% **ORDER**
02.07.2024

1. The present petition has been filed by the petitioners under Article 226 of the Constitution of India seeking setting aside of order dated 10.04.2024 passed by the learned Central Administrative Tribunal Principal Bench, New Delhi in CP No. 695/2023.
2. Relevantly, the learned Tribunal vide order dated 06.07.2023 in O.A. No. 1919/2023 had directed the petitioners to dispose of the representations made on behalf of the applicants - respondents by passing a reasoned and speaking order within six weeks.
3. According to the petitioners, pursuant to directions of the learned Tribunal, order dated 13.09.2023 was passed in order to scrutinize the representations by the Screening Committee, whose recommendations are to be finally considered by the governing body of the petitioner.



4. The petitioners have also averred that the governing body in its 160th meeting held on 13.12.2023 duly considered the issues and directed constitution of a Committee to scrutinise the claims. Thereafter, on 06.03.2024, the Constituted Committee considered the recommendations, which according to the petitioners, are now to be placed before its Governing Body Meeting. However, the respondents preferred a Contempt Petition (CP No. 695/2023 in O.A. 1919/2023) before the learned Tribunal under Sections 11, 12 and 13 of the Contempt of Courts Act, 1971 read with Section 17 of the Administrative Tribunal Act, 1985 against the petitioners for violating judgment dated 06.07.2023.

5. Learned Tribunal vide impugned order dated 10.04.2024 observed and held as under:

“As can be seen from the above, the respondents are yet to take a decision whether the applicants would be regularised or not. It is not as if they have accepted the claim of the applicants. They are simply saying that it would be considered and examined before the Committee and then, Governing Body Meeting.

We are unable to accept such an argument inasmuch as the purpose of getting the representation disposed of is to take it one way or the other. Simply lingering on the matter without even committing whether the applicant's case is being considered positively or not, cannot be taken to be compliance. There have been numerous occasions on which the same argument has been repeated by learned counsel for the respondents.

Taking an overview of the matter, we grant further four weeks' time, as pleaded for by learned counsel for the respondents, to file a clear compliance affidavit either by



extending the benefit that has been prayed for or if at all, it is in the negative, the reasons thereof should be clearly brought out in face of the claim of learned counsel for the applicants that hundreds of similarly situated candidates have already been regularised by the respondents. In case the compliance affidavit is not filed within four weeks, Respondent No. 2 (Dr. M. Srinivasan, Director, AIIMS', Ansari Nagar, New Delhi - 110029) shall appear in person before the Court.”

6. Aggrieved against the aforesaid order, the present petition has been preferred by the petitioners seeking setting aside thereof.
7. Upon hearing learned counsel for the petitioners and on perusal of the record of this Court, we find that the representations filed by the applicants – respondents have been lingering on since May, 2023 awaiting disposal at the hands of the petitioners.
8. We find no ground in the present petition and the same is accordingly disposed of.
9. The appellant is at liberty to take appropriate steps before the learned Tribunal.

SURESH KUMAR KAIT, J

GIRISH KATHPALIA, J

JULY 2, 2024/uk