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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 31.07.2024+ **W.P.(C) 10495/2024, CM APPL. 43149/2024 & 43151/2024 & CM APPL. 43150/2024**

DIRECTOR GENERAL, EMPLOYEES STATE INSURANCE CORPORATION AND ANR.Petitioners

Through: Dr. Swati Jindal Garg, Mr. Sowmya China and Mr. Abhimanyu Kumar, Advocates.

versus

AVDHESH KANT KUMAR & ANR.Respondents

Through: Mr. Shivanshu Bhardwaj and Mr. Savya Garg, Advocates for R-1.
Ms. Shubhra Parashar, Ms. Vidhi Gupta and Mr. Siddharth Jain, Advocates for Respondent No.2.**CORAM:****HON'BLE MR. JUSTICE SURESH KUMAR KAIT****HON'BLE MR. JUSTICE GIRISH KATHPALIA****J U D G M E N T (O R A L)****CAV 345/2024**

1. In view of the appearance on behalf of the respondents in W.P.(C) 10495/2024, the present caveat (CAV 345/2024) stands discharged.

W.P.(C) 10495/2024

2. The present petition has been filed under Articles 226 & 227 of the Constitution of India with the following prayer:

“a. Issue a Writ/Order/Direction in the nature of Certiorari and/or quashing Orders dated 26.04.2024, passed by Central Administrative Tribunal, Principal Bench, New Delhi in O. A No. 552 of 2024”



3. Learned counsel appearing for petitioners submits that she is confined to ground “J” of her writ petition, which is being reproduced as under:

“J. Because the decisions concerning the custody of the Respondent were made in accordance with Regulations 10(6) and 10(7) of the ESIC (Staff & Conditions of Service) Regulations, 2023 and the Respondent being an employee of the ESIC is governed by the said regulations / procedures.”

4. Learned counsel for the petitioners further submits that decisions regarding the custody of respondents were made in accordance with Regulations 10(6) and 10(7) of the ESIC (Staff & Conditions of Service) Regulations, 2023.

5. Admittedly, the said Regulations came into force with effect from 12.06.2023 whereas the respondents were suspended vide order dated 09.05.2023. Therefore, the Regulation which came subsequently after the suspension of the respondents, cannot be relied upon by them.

6. In view of the above discussion, we find no perversity and infirmity in the order passed by the learned Central Administrative Tribunal and find no merit in the present petition. Accordingly, the present petition as well as all the pending applications are dismissed.

(SURESH KUMAR KAIT)
JUDGE

(GIRISH KATHPALIA)
JUDGE

JULY 31, 2024/ry