



2024:DHC:9131-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16185/2024, CM APPL. 68057/2024 & CM APPL. 68058/2024**

**INDIAN COUNCIL OF MEDICAL
RESEARCH**

.....Petitioner

Through: Mr. Saket Sikri, Mr. Ajay Pal
Singh Kullar, Mr. Vikalp Mudgal, Mr. Arun
Sanwal and Mr. Vignesh Raj T., Advs.

versus

SH. VIPIN KUMAR & ANR.

.....Respondents

Through: Respondent 1 in person
Mr. Umang Chopra, SPC with Mr. Karan
Malhotra, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

JUDGMENT (ORAL)

% **25.11.2024**

C. HARI SHANKAR, J.

1. This writ petition assails an interim order dated 9 May 2024 passed by the Central Administrative Tribunal, Principal Bench¹ in OA 1942/2024 (*Vipin Kumar v ICMR*).

2. Mr. Sikri, learned Counsel for the petitioner, submits that there are two errors in the impugned order passed by the Tribunal. The first error, according to Mr. Sikri, is in the following observation in para 8

Signature Not Verified¹ "the Tribunal" hereinafter

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of the impugned order:

“It is *not in dispute* that applicant was initially engaged on 08.04.2010 and he has been continued, may be under different projects and with different designation. It is *not disputed* by the respondents in their counter reply that other projects are available under them and under such projects the applicant can be considered against the work/post in accordance with his qualification, eligibility and experience.”

(Emphasis supplied)

3. Mr. Sikri submits that there is no concession, by the petitioner, in the counter reply filed before the Tribunal, to the effect that the petitioner had any other projects available with them in which the respondent could be considered in accordance with his qualification, eligibility and experience.

4. The second error, according to Mr. Sikri, is in observation, in para 10, that, in the counter reply filed by the petitioner, as the respondent before the Tribunal, “it is not even disputed that the post and/or the work against which the applicant has been working for more than fourteen years is not available with the respondents”.

5. Apropos the second error, as per Mr. Sikri, the fact that there is no availability of any post on which the respondent can be accommodated has specifically been asserted in para 3 of the counter reply filed before the Tribunal.

6. The respondent is present in person. Mr. Umang Chopra, learned SPC, represents the Union of India/Respondent 2.

7. Inasmuch as the plea of the petitioner is that there are errors in

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the order passed by the Tribunal, we request the learned Tribunal to reconsider the impugned order dated 9 May 2024, after hearing the parties on the above aspect. We make it clear that the contentions with the ICMR would be restricted to the aspect of whether the aforesaid two errors exist in the impugned order. We do not express any final opinion on that aspect.

8. In the event that the Tribunal finds that these two findings/observations are actually not correct, it would be for the Tribunal to take a view as to whether the decision to grant interim relief requires to be reconsidered, or maintained.

9. Leaving all these aspects open for consideration before the Tribunal, this writ petition is disposed of in the aforesaid terms.

10. It is stated before us that the respondent has filed a contempt petition before the Tribunal.

11. Till the Tribunal takes a *de novo* decision in the matter, the contempt petition would not be pressed.

C. HARI SHANKAR, J.

ANOOP KUMAR MENDIRATTA, J.
NOVEMBER 25, 2024/dsn
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