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

+ CONT.CAS(C) 230/2011, CM APPL. 40033/2017, CM APPL. 8953/2020, CM APPL. 21965/2020, CM APPL. 24394/2024, CM APPL. 36225/2024, CM APPL. 60299/2024 & CM APPL. 60307/2024

ALL INDIA CPWD EMPLOYEES UNIONPetitioner

Through: Mr. R. K. Kapoor, Mr. Rajat Kapoor & Ms. Shambhavi Gour, Advs.

versus

CS PRASAD DG CPWDRespondent

Through: Ms. Aishwarya Bhatti, ASG along with Mr. Rajesh Gogna, CGSC with Mr. Nipun Jain, Ms. Priya Singh & Mr. Nishant Sharma with Sh. Rajesh Kumar Kaushal, DG, CPWD.

+ CONT.CAS(C) 260/2017

JOGINDER KUMAR SHARMAPetitioner

Through: Mr. R. K. Kapoor, Mr. Rajat Kapoor & Ms. Shambhavi Gour, Advs.

versus

ABHAY SINHA & ANRRespondents

Through: Ms. Aishwarya Bhatti, ASG along with Mr. Rajesh Gogna, CGSC with Mr. Nipun Jain, Ms. Priya Singh & Mr. Nishant Sharma with Sh. Rajesh Kumar Kaushal, DG, CPWD.

+ CONT.CAS(C) 413/2017, CM APPL. 20455/2020, CM APPL. 20456/2020 & CM APPL. 20457/2020



VIRENDER SINGH & ORS

.....Petitioners

Through: Kapoor, Mr. Rajat Kapoor &
Ms. Shambhavi Gour, Advs.

versus

ABHAY SINHA & ANR

.....Respondents

Through Ms. Aishwarya Bhatti, ASG
along with Mr. Rajesh Gogna,
CGSC with Mr. Nipun Jain,
Ms. Priya Singh & Mr. Nishant
Sharma with Sh. Rajesh Kumar
Kaushal, DG, CPWD.

+ CONT.CAS(C) 641/2020

ALL INDIA CPWD EMPLOYEE UNION

.....Petitioner

Through: Kapoor, Mr. Rajat Kapoor &
Ms. Shambhavi Gour, Advs.

versus

SHRI VIVEK BANSAL DEPUTY DIRECTOR GENERAL
CPWD

.....Respondent

Through: Ms. Aishwarya Bhatti, ASG
along with Mr. Rajesh Gogna,
CGSC with Mr. Nipun Jain,
Ms. Priya Singh & Mr. Nishant
Sharma with Sh. Rajesh Kumar
Kaushal, DG, CPWD.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

29.10.2024

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1. A Status Report has been filed by the contemnor, Sh. Rajesh Kumar Kaushal, Director General, CPWD today.
2. After hearing the learned counsel for the parties and on perusal



of the record, it is evident that there have been repeated directions by this Court to the effect that the respondent has been failing to comply with the directions of this Court in terms of the Award dated 31.01.1988 as modified *vide* order dated 25.09.1988 and approved by this Court.

3. For now, reference may be invited to the directions that have been passed by this Court on 13.09.2017, 07.11.2017 and 16.01.2020 besides 04.12.2023. The Status Report which has been filed today contains the statement by Sh. Rajesh Kumar Kaushal, Director General, CPWD and the paragraph no.10 of which reads as under:-

“10. Therefore, since, the Hon’ble High Court in order dated 04.12.2023 has prima facie found respondent guilty of wilful disobedience of the directions of the Court dated 25.09.2008 and in view of subsequent Hon’ble High Court orders dated 30.08.2024 and 14.10.2024, the Director General **under these compelling circumstances expresses his willingness to recommend approval subject to concurrence of concerned ministries as well as subject to further orders passed by the Hon’ble Court in implementation of Para ‘q and Para ‘r’ of the Award.**”

4. Ex facie the aforesaid undertaking is an eye wash and another attempt by the respondents to give a new twist to the story and thereby seek to wriggle out of the directions passed in this matter. The tone and tenor of the undertaking clearly demonstrate patent defiance to the repeated directions of this Court.

5. After some arguments, Mr. Rajesh Gogna, learned Central Government standing counsel requests permission to withdraw the present ‘Status Report’ and requests that they would file a fresh ‘Status Report’.

6. Learned ASG in principle, agrees that the relevant directions of this Court shall be complied with and the appropriate



recommendations for implementation of the paragraphs (q) & (r) of the Award shall be made to the concerned authorities for administrative and financial approval.

7. As requested, let a fresh Compliance Report be filed by the respondent/contemnor on or before the next date of hearing.

8. Renotify on 07.11.2024 in the supplementary list.

9. Since Sh. Rajesh Kumar Kaushal is retiring upon attaining the age of superannuation on 31.10.2024, he shall appear through VC on the next date of hearing at 12.30 p.m. However, the Deputy Director General, CPWD is directed to appear in person on the next date of hearing.

10. The Status Report filed today is taken on the record for future reference and the Registry is directed to digitize the same and place it on the digitized case file.

DHARMESH SHARMA, J.

OCTOBER 29, 2024

Ch/Sg