

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

1. O.A.No.1992/2002 & M.A.No.1632/2002
2. O.A.No.1993/2002
3. O.A.No.1994/2002
4. O.A.No.1995/2002 & M.A.No.1633/2002
5. O.A.No.1996/2002 & M.A.No.1634/2002
6. O.A.No.1997/2002 & M.A.No.1635/2002
7. O.A.No.1998/2002 & M.A.No.1636/2002
8. O.A.No.1999/2002

Wednesday, this the 31st day of July, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

O.A.No.1992/2002

1. Jaimon Joseph,
Son of Late Mr. G.T.Joseph,
R/o H.No.135, E-18/135,
Sector-3,
Rohini-85.
2. Ms.Chandra Kala,
D/o Shri R.S.Rawat,
R/o Flat No.1401,
Gulabi Bagh,
Delhi-110007.
3. Vikas Massy,
S/o Beran Massy,
R/o LIG Flats Ground Floor,
H.No.76, Pocket-II, Sector-21,
Rohini, Delhi-85.
4. Bharat Bhushan Sharma,
S/o Shri B.R.Sharma,
R/o H.No.8, Flat No.56,
Sector-16, Rohini, Delhi-85.
5. Satish Malik,
S/o Daya Kishan,
C/o Daya Kishan, Qtr. No.2,
Type-B, BJRM Hospital,
Jahangirpuri, Delhi.

...Applicants

(By Advocate: Shri S.K.Sinha)

Versus

1. Directorate of Health Services,
Government of NCT of Delhi,
Through its Director, Karkardoma,
Delhi.
2. Delhi Selection Service Board,
Through its Secretary,
Karkardoma, Delhi.
3. Dr.B.S.Ambedkar Hospital,
Through its Medical Superintendent,
Sector-6, Rohini, New Delhi.

...Respondents



(2)

O.A.No.1993/2002

Ranjit Ranjan,
Son of Shri Ramabatar Pd. Singh,
C/o Kewal Kumar Khanna,
House No.401, Pocket-II,
Paschimpuri, New Delhi-63.

...Applicant

(By Advocate: Shri S.K.Sinha)

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1. Directorate of Health Services,
Government of NCT of Delhi,
Through its Director, Karkardoma,
Delhi.

2. Delhi Selection Service Board,
Through its Secretary,
Karkardoma, Delhi.

3. Dr.B.S.Ambedkar Hospital,
Through its Medical Superintendent,
Sector-6, Rohini, New Delhi.

...Respondents

O.A.No.1994/2002

Vijay Kumar Yadav,
S/o Shri Raj Singh, Yadav,
R/o H.No.D-7,
Sector-6, Rohini
New Rohini-85.

...Applicant

(By Advocate: Shri S.K.Sinha)

Versus

1. Directorate of Health Services,
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Through its Director, Karkardoma,
Delhi.

2. Delhi Selection Service Board,
Through its Secretary,
Karkardoma, Delhi.

3. Dr.B.S.Ambedkar Hospital,
Through its Medical Superintendent,
Sector-6, Rohini, New Delhi.

...Respondents

OA 1995/2002

1. Saheb Singh Gahlawat
S/o Karan Singh
R/o Village - Begumpur
Delhi-110041.
2. Mohan Lal
S/o Shri Man Chandra
R/o House No. E-2/195
Sector-11
Rohini, Delhi-85.

V.L.S.

(3)

3. Ram Dhiraj
S/o Shri Shiv Pujan
R/o House No. R2/C-30
Vishnu Garden
New Delhi-110018.

... Applicants

(By Advocate: Shri S.K.Sinha)

Versus

1. Directorate of Health Services
Government of NCT of Delhi
Through its Director
Karkardoma, Delhi.
2. Delhi Selection Service Board
Through its Secretary
Karkardoma, Delhi.
3. Dr. B.S.Ambedkar Hospital
Through its Medical Superintendent
Sector-6, Rohini, New Delhi.

.... Respondents

OA 1996/2002

1. Paras Nath
S/o Ram Ganesh
R/o House No. K-624,
Mangolpuri
Delhi-110083.
2. Mohd. Hasim
S/o Mahmood Mian
R/o C/o Dr.J.M.Khan
Bakhtawarpur
Delhi-110036.
3. Purshootam Kumar
S/o Late Shri Devi Ram Sharma
C/o Om Prakash Sharma
R/o Block-D, 1201, Jahangirpuri
Delhi-110033.
4. Ravindra Kumar Joshi
S/o Shri B.L.Joshi
R/o House No. E-221
Choudhary Fateh Singh Marg
New Usmanpur
Delhi-110053.

... Applicants

(By Advocate: Shri S.K.Sinha)

Versus

1. Directorate of Health Services
Government of NCT of Delhi
Through its Director, Karkardoma
Delhi.
2. Delhi Selection Service Board
Through its Secretary
Karkardoma, Delhi.



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(4)

3. Dr. B.S.Ambedkar Hospital
Through its Medical Superintendent
Sector-6, Rohini, New Delhi.

..... Respondents.

OA No. 1997/2002

1. Ms. Vimlesh Trivedi
Wife of Ashish Trivedi
R/o House No.E-19/14
Sector-3
Rohini-110085.

2. Ms. Aradhana Bhowla
D/o Shri S.S.Bhowla
R/o House No. G-83
Patel Apartment
Sector-13, Rohini
Delhi-110085.

3. Ravi Edwin
S/o Shri Edwin
R/o House No. 415
Block - C
Sector-19
Rohini-110085.

4. Lalit Sharma
S/o Shri B.D.Sharma
House No. C-43, HIL Town
Ship New Moti Nagar
New Delhi-110015.

..... Applicants

(By Advocate: Shri S.K.Sinha)

Versus

1. Directorate of Health Services
Government of NCT of Delhi
Through its Director
Karkardoma, Delhi.

2. Delhi Selection Service Board
Through its Secretary
Karkardoma, Delhi.

3. Dr. B.S.Ambedkar Hospital
Through its Medical Superintendent
Sector-6, Rohini, New Delhi.

..... Respondents

OA No. 1998/2002

1. Anil Kumar Yohanan
S/o Shri M.G.Yohanan
House No.UU-163/C
Pitampura
Delhi-110034..

2. Nefasat Ali
C/o Azimul Haq
R/o House No. 33/22,

W.B.

(5)

Rajpur Road
New Delhi-110054.

3. Ms. Divya Goel
D/o Shri Ashok Kumar Goel
R/o Flat No. 88
Plot No.24/3
Bhagiya Laxmi apartments
Sector-9
Rohini, Delhi-85.
4. Ms. Bini Joseph
D/o Shri K.V.Joseph
R/o House No. 219-B, LIG Flat
Pocket E
GTB Enclave
Delhi-110095.
5. Anil Mathur, S/o
R/o Village & P.O.Karala,
(Sacghata) Delhi-110081.

... Applicants

(By Advocate: Shri S.K.Sinha)

Versus

1. Directorate of Health Services
Government of NCT of Delhi
Through its Director
Karkardoma, Delhi.
2. Delhi Selection Service Board
Through its Secretary
Karkardoma, Delhi.
3. Dr. B.S.Ambedkar Hospital
Through its Medical Superintendent
Sector-6, Rohini, New Delhi.

... Respondents

OA No.1999/2002

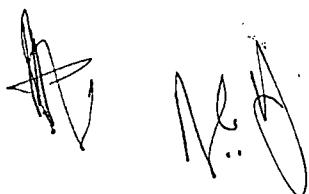
1. Surinder Kumar Sharma
S/o Shri S.C.Sharma
C/o Shri Narendra Kumar Sharma
R/o House No.47
Reserve Bank Colony, R.K.Puram
New Delhi.

... Applicant.

(By Advocate: Shri S.K.Sinha)

Versus

1. Directorate of Health Services
Government of NCT of Delhi
Through its Director
Karkardoma, Delhi.
2. Delhi Selection Service Board
Through its Secretary
Karkardoma, Delhi.



3. Dr. B.S.Ambedkar Hospital
Through its Medical Superintendent
Sector-6, Rohini, New Delhi.
..... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal:

MA No.1632/2002 in OA No. 1992/2002 and MA Nos. 1633 to 1636 of 2002 in OA Nos.1995 to 1998 of 2002 for joining together in a single application are allowed.

2. Applicants in the present OAs were appointed in different capacities in the Directorate of Health Services, Govt. of NCT of Delhi on contract basis for a period of 89 days or till regular incumbents ~~are~~ appointed, whichever is earlier. By an Office Memorandum dated 25.7.2002 at Annexure A-2, all paramedical staff/staff Nurses, who were initially appointed on contract basis for 89 days, are directed to submit their request for extension at least one month in advance duly recommended by the Head of the Department concerned, so that their request for extension can be processed by the competent authority. Counsel appearing on behalf of the applicants has submitted that applicants have continued to perform their duties uninterruptedly since their initial appointment on 19.7.2001. No steps have been taken to make regular appointments on the posts. Applicants, in the circumstances, apprehend that their services will be discontinued based on the aforesaid office order. He has placed reliance on an order passed by the Tribunal on 12.7.2002 in OA Nos.3111, 3113, 3114 and 3123 of 2001, wherein on ^{facts} similar to the ones which are

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applicable to the applicants herein, following directions have been issued:-

- (i) Respondents are directed that in the event of appointing candidates on regular basis to the post of OTT, the claims of the applicants herein for the said post should be considered. While considering the same, their experience of service already rendered should be taken into account and proper weightage should be given to the same. Similarly age relaxation should also be considered to the extent of the service they have put in so far as OTT from the date of their initial appointment. Till regular appointments are made, applicants' services should not be terminated.
- (ii) Respondents to make payments of the salary as admissible to regular OTT due to the applicants within a period of two weeks from the date of receipt of a copy of this order, if not already paid. The applicants will be entitled to future pay on the principle of equal pay for equal work at par with regular employees.
- (iii) Recoveries made from the salary of the applicants shall be refunded to them immediately.

3. According to the learned counsel, applicants, in terms of the aforesaid order, are entitled to be paid the pay scale payable to the posts occupied by them on contract basis. They are also entitled to be considered for appointment on regular basis in the event of respondents choosing to make appointments on regular basis. According to him, if one has regard to the true spirit of the order, services of the applicants are liable to be continued till regular appointments are made.

4. Having regard to the aforesaid case made out by the applicants and the submissions advanced by their

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counsel, we find that interests of justice will be duly met by disposing of these OAs at this very stage even without issue of notices with a direction to the respondents to treat the present OAs as representations submitted by the applicants for the reliefs claimed therein and to pass a detailed, reasoned and speaking order thereon. This be done expeditiously and within a period of three months from the date of service of a copy of this order. Pending passing of the orders as per the directions contained hereinabove, respondents will refrain from discontinuing the services of the applicants. In other words, applicants will be permitted to continue to perform their duties and functions as on date till the passing of the aforesaid orders. We direct accordingly.

5. Present OAs are disposed in the aforesated terms.

Issue Dasti.

(S.A.T. Rizvi)
Member (A)

/sunil/

(Ashok Agarwal)
Chairman

Attested
Shanay
Co. Rep