

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No. 676/2002

in

M. A. No. 584/2002

New Delhi this the 12th day of April 2002

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Shri Shankar Raju, Member (J)

1. Miss. Reena Joseph d/o
Shri Joseph
R/o Room No. 208, Nurses Hostel,
GTB Hospital Campus,
Delhi.
2. Miss Ruchika Roy,
D/o Shri S.K. Roy
R/o Room NO. 2, Nurses Hostel,
GTB Hospital,
Delhi.
3. Miss Lincy Joseph,
D/o Shri Joseph,
R/o Room No. 206, Nurses Hostel,
GTB Hospital Campus,
Delhi.
4. Miss Jolly Jospeh,
D/o Shri M.M. Joseph,
R/o Room No. 209, Nurses Hostel,
GTB Hospital Campus,
Delhi.
5. Miss Ginu Simon,
D/o Shri A.J.Simoin,
R/o Room No. 210, Nurses Hostel,
GTB Hospital Campus,
Delhi.
6. Miss Jessy K.K.
D/o Shri Kurien Kungacha,
R/o Room No. 208, Nurses Hostel,
GTB Hospital Campus,
Delhi.
7. Miss. Sidhu T.,
D/o Shri Jose,
R/o 853 Janta Flats,
GTB Enclave, Shahdara,
Delhi.
8. Miss Manisha Gupta,
D/o Shri S.C.Gupta,
R/o C-150 New Seelampur,
Delhi.
9. Miss Bincy Mathew,
D/o Shri Vijay Mathew,
R/o 257 C, LIG Flats, Pocket-B,

10. Mrs.Sujatha Massey W/o
Sh. Philip Massey
R/o. F-2, TB Hospital,
Nehru Nagar, Delhi.
11. Miss Lizzi James
D/o Mr. James Kutty TT
R/o H.No.832, Pocket-D,
Dilshad Garden,
Delhi.
12. Ms.Bigi M.Kuriskose
D/o Mr. M.K.Kuriskose
R/o 856, Janta Flats, Nand Nagari
13. Miss Aji Jacob
D/o Mr.Jacob
R/o.F-57,Dilshad Colony
Delhi.
14. Ms. Rosily Joseph
W/o Mr. Joseph
C/o Sunitha Gomes, Gali No.9
5-J Extension, Laxmi Nagar,
Delhi.

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... APPLICANTS

(By Advocate: Shri M.C.Dhingra)

VERSUS

1. Government of NCT of Delhi,
through its Chief Secretary,
IP Estate, New Delhi.
2. Medical Superintendent,
Guru Teg Bahadur Hospital,
Shahdara, Delhi.

... RESPONDENTS

(By Advocate: Shri Vijay Pandita)

ORDER

S.R. ADIGE, V.C.(A)

1. Applicants who claim to be currently employed and working in the Guru Teg Bahadur Hospital, Shahdara, Delhi under the Government of NCT of Delhi seek a direction to respondents not to remove them till regular incumbents are appointed by respondents.

2. Heard.

3. Pleadings reveal that applicants had approached the Tribunal earlier in OA No. 3314/2001 which was disposed of by order dated 12.12.2001 (Annexure A/4). From a perusal of that order we find that applicants were appointed as Staff Nurses in GTB Hospital on short term contract for three months on 22.2.2001 which was extended from time to time. Upon finding that their term was not being extended beyond 21.10.2001 they filed OA NO. 3314/2001 seeking seeking further extension of time. That OA was dismissed in limine by aforesaid order dated 12.12.2001 after holding that the same would not come in the way of their consideration for fresh appointment in case they were found eligible and based on the experience which they had already gained during the aforesaid contractual period. In the aforesaid order dated 12.12.2001 there is a categorical finding that the appointment of applicants was not on ad hoc basis but was contractual in nature.

4. Meanwhile pending filling up of 866 posts of Staff Nurses in various Hospitals under GNCT of Delhi on regular basis, including the vacant posts in GTB Hospital, for which advertisement has issued inviting applications by 18.2.2001, respondents held interviews for filling up the vacancies of Staff Nurses in GTB Hospital on contract basis during the period 15th to 24th January 2002, and applicants have not denied in any rejoinder, the specific averment of respondents in their reply, that despite participating in the aforementioned selection, none of them could secure the cut off marks. 2

5. In the result as the validity of the selections held during 15th to 24th January, 2002 itself has not been challenged and there is a categorical finding in the Tribunal's order dated 12.12.2001 that applicant's initial appointment and subsequent continuation from time to time is contractual, we hold that none of the applicants have an enforceable legal right to continue to hold the post which they are continuing to occupy on contract basis on the strength of the interim orders passed on 11.3.2002. It will be open to respondents to replace applicants by those who secured more than them in the selection held 15th to 24th January, 2002. Meanwhile as already directed by order dated 12.2.2001 in OA 3314/2001 nothing contained in this order will debar applicant being considered for regular appointment as Staff Nurses pursuant to the advertisement issued inviting application by 18.2.2001, if they are found otherwise eligible and based on their experience which they have already gained during the aforementioned contractual period.

6. The OA is disposed of in terms of para 5 above. Interim orders are vacated. No costs.

S. Raju
(Shankar Raju)

Member (J)

S.R. Adige
(S.R. Adige)

Vice Chairman (A)

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