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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

CP NO. 52/2003 IN
OA NO. 2444/2002

This the 7th day of August, 2003

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI S.K. NAIK, MEMBER (A)

1. Sushil Kumar Sharma,
S/o Shri Mahaveer Sharma,
R/o V-241, Arvind Naggar,
Khajur Wali Gali,
Ghonda, Delhi.
2. Sunil Kumar,
S/o Shri Suresh Kumar,
R/o RZ-18/290, Gali No.5,
West Sagarpur, Geetanjali Park,
Delhi-46.
3. Anil Kumar,
S/o Shri Ranjeet Singh,
Plaster Assistant,
G.T.B. Hospital,
Delhi.
4. Jogindra Singh,
S/o Shri Bhim Singh,
R/o House No. 378-79, Near
Sardar Patel School,
Village Gharoli,
Delhi-96.
5. Ms. Archana Rai,
D/o Shri Harish Chand Rai,
R/o P-18, A-3 Pocket-P,
Dilshad Garden,
Delhi-95.
6. Atibal Singh,
S/o Shri Hari Bhan Singh,
R/o A/4649/134-B,
New Maidan,
Shahdara,
Delhi-32.

(By Advocate: Dr. Sumant Bhardwaj)

Versus

Dr. D.K. Srivastava,
Medical Superintendent,
Guru Teg Bahadur Hospital,
Shahdara,
Delhi.

..... Respondent

(By Advocates: Mrs. Avnish Ahlawat and Shri Vijay Pandita)

O R D E R (ORAL)


JUSTICE V.S. AGGARWAL

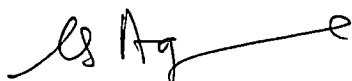
Applicants had preferred OA No.2444/2002. It was decided by this Tribunal on 9.8.2002. This Tribunal had disposed of the said application with the following directions:-

"7. In the facts and circumstances of the case, the O.A. partly succeeds and is disposed of with the following directions:

(i) In case the respondents are considering appointments of candidates on regular basis and the applicants apply against those vacancies, they may be considered along with other eligible candidates, subject to fulfilment of the prescribed eligibility conditions except giving them age relaxation, if necessary, to the extent of their past service in that post.

(ii) Till regular appointments are made by the respondents, if the services of Plaster Assistants are required in the G.T.B. Hospital, the applicants may be continued. However, their services can be terminated by the respondents in accordance with the provisions of law and rules. No order as to costs."

Applicants have presently filed the contempt petition complaining that their services had been dispensed with in violation of the directions of this Tribunal. *for the respondent* 
The learned counsel ^A in the first instance pointed that this Tribunal had directed "if service of Plaster Assistants are required in the G.T.B. Hospital, the applicants may be continued". On the strength of this



fact, it was contended that the services are not required since the recruitment rules have been framed. On this count, we find that the plea of the respondents cannot be accepted because our attention was drawn to the letter from the Medical Superintendent of the Guru Teg Bahadur Hospital, Shahdara dated 4.1.2003 in which it has been pointed out:-

"Further you are requested to take up the matter with concerned Deptt. i.e. Planning, Legal Cell, etc. as related to fill these vacant posts latest by 31.5.2003. Failing which patients care will be suffered as day by day work load is increasing in this hospital and in the shortage of manpower it will not be possible to render the best care to the increasing no. of patients."

This clearly shows that the services as such were required. To state now that this letter was written to save the posts was incorrect because the language of the same is clear that patient care is also likely to suffer and there is shortage of manpower.

3. To that extent, it must be held that this cannot be a ground to terminate the services of the applicants.

4. However, it was further contended that this Tribunal had permitted that the services should be terminated in accordance with the provisions of



law and the rules. According to the respondents, the work and conduct of the applicants was not satisfactory. In the representative order dated 6.5.2003 that has been placed on the record terminating the services of the applicants, it has been mentioned in paragraph 2 "their work and conduct was not reported to be satisfactory by the Concerned Departments written and verbal".

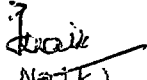
5. During the course of submissions, there was a controversy in this regard because the applicants' learned counsel pointed that the applicants have been given certificates of good work and conduct. The respondents' learned counsel has drawn our attention to the complaints pertaining to the applicants from their administrative file of the Hospital.

6. At this stage, we deem it unnecessary to go into this controversy because the applicants can if so advised file an application challenging the order that has been passed putting an end to their services. Suffice to say that the respondents did have some complaints which were shown to us about the work and conduct of the applicants. Therefore, subject to what we have observed above regarding which no opinion is being expressed, it is clear that if that be so, the services could be terminated in accordance with law. It is obvious, therefore, that it cannot be termed


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that there is wilful disobedience of the directions of this Tribunal. The contempt petition is dismissed. The Rule is discharged.

Announced.


(S.K. Naik)
Member (A)

/sns/


(V.S. Aggarwal)
Chairman