

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 1044/2002

New Delhi this the 22nd day of April, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri S.A.T. Rizvi, Member (A)

Ms. Juliet George,  
H.No.147-A, Pocket-E  
LIG Flats, GTB Enclave,  
Nand Nagri, Delhi-110093

Ms. Saria Bano  
Room No.30, Nurses Hostel,  
Guru Teg Bahadur Hospital,  
New Delhi.

(By Advocate Ms. Kittoo Bajaj )

..Applicants

VERSUS

1. Govt. of National Capital Territory of Delhi, Ministry of Health, Old. Secretariat, Delhi through its Secretary.
2. Guru Teg Bahadur Hospital Shahdara, New Delhi through its Secretary.
3. Delhi Staff Subordinate Services Selection Board, New Delhi.

..Respondents

O R D E R (ORAL)

(Hon'ble Shri S.A.T. Rizvi, Member (A))

Applicant in the present OA was appointed as Staff Nurse on contract basis on 2.3.2001 for a period of 89 days subject ~~to~~, inter-alia, to the condition that her appointment could be terminated at any time (on either side) by giving one month's notice or by paying one month's salary without assigning any reason. She has, however, continued to work on contract basis by virtue of extensions granted to her from time to time. By an order

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passed on 3.1.2002 several persons including the applicant ( Juliet George) were selected as Staff Nurse again on contract basis for a period of 30 days or till ~~the~~ regular Staff Nurses join<sup>ed</sup> on the basis of regular selection. The aforesaid period has since ended but the applicant continues to serve the respondents as Staff Nurse as usual till date. The prayer made in the OA is for a direction to the respondents to allow applicant No.1 to continue in service till regularly selected candidates become available for joining duty as regular Staff Nurse.

2. In support of the relief sought herein, the learned counsel places reliance on the judgement rendered by this Tribunal in OA 2894/2001 in which one of us [Smt.Lakshmi Swaminathan, VC(J)] was also a member. ~~and~~ <sup>That</sup> OA was decided on 28.2.2002 with a direction to the respondents to allow the applicant in that OA to continue in service subject to the relevant rules till a regularly selected candidate becomes available for joining duty as Staff Nurse. The facts and circumstances of that OA are similar to the facts and circumstances obtaining in the present OA. On this basis, the learned counsel submits that a direction be issued to the respondents to let the applicant No.1 to continue in service as Staff Nurse on contract basis until the regularly selected candidates become available to replace her.

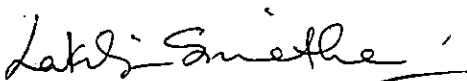
3. We have considered the submissions made by the learned counsel and have perused the decision rendered by *Dr*

the Tribunal in the above-mentioned OA and find that it would be just and proper to dispose of the present OA at this very stage even without issuing notices with a direction to the respondents to consider the present OA as a representation filed on behalf of applicant No.1 and to dispose of the same by passing a reasoned and a speaking order after taking into account the decision rendered by this Tribunal in OA 2894/2001. This shall be done within a maximum period of two months from the date of receipt of a copy of this order. We further direct the respondents to continue to engage the applicant No.1 as Staff Nurse on contract basis until the order as above has been passed.

4. We have noted that the learned counsel has not pressed the claim of applicant No.2 (Ms.Saria Bano ) and, therefore, this order will not apply in her case.

No order as to costs.  
Issue Dasti.

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

  
(Smt.Lakshmi Swaminathan  
Vice Chairman (J)

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