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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 2189/2002

New Delhi this the 21st day of August, 2002

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

Murari Lal Mishra
S/O Shri Raghunath Prasad
Lab Technician
N.C.Joshi Memorial Hospital,
New Delhi.

R/0 285/1, Durga Park,
Palam, New Delhi-110045

...Applicant

(By advocate Shri K.N.R.Pillay)

VERSUS

1. Govt.of NCT of Delhi, through :

The Secretary,
Department of Health and Family
Welfare, Delhi Secretariat,
I.P.Estate, New Delhi-2

2. The Medical Superintendent,
N.C.Joshi Memorial Hospital,
Karol Bagh, New Delhi.

...Respondents

ORDER (ORAL)

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

Appointed on contract basis initially for a period of one year on 1.2.2000 (Annexure A.1), the term of applicant's appointment has been extended from time to time. By an order issued on 7.2.2001, the applicant's term has been extended upto 6.2.2001. The grievance raised by the applicant is that full benefit of the regular scale of pay and other conditions of service applicable to regular employees have not been extended to him. For this purpose, the applicant relies on the judgement of this Tribunal (PB) dated 23.4.1998 in OA 2467/1997-Dr.J.P.Palyia

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and others Vs. Govt. of NCT of Delhi and Ors. with connected OAs. By the aforesaid order, which relates to Doctors being appointed on contract basis, the Tribunal issued the following directions to the respondents:-

"In the result, the aforesaid OAs are allowed. The respondents shall grant the applicants the same pay scale and allowances and also the same benefits of leave, increment on completion of one year, maternity leave and other benefits of service conditions, as are admissible to Medical Officers appointed on regular basis in the corresponding pay scales. Notwithstanding the break of one or two days in service stipulated in their contract, they shall be deemed to have continued in service from the date of their first appointment till regular appointments are made by the respondents to these posts in accordance with the extant rules and instructions. In the circumstances of the case, respondents shall also consider giving age relaxation to the applicants in accordance with the rules, if they are candidates before UPSC for regular appointment to the extent of the number of years of service they have rendered on contract/ ad hoc basis."

2. Learned counsel appearing on his behalf has pointed out that the aforesaid order of this Tribunal has been upheld by the Delhi High Court as well as by the Hon'ble Supreme Court. He submits that on this basis the applicant is also entitled for similar benefits being extended to him. Applicant had also filed a representation on 21.12.2001 (Annexure A 11) before filing this OA. To this, there has been no response so far.

3. Having regard to the submissions made by the learned counsel and the aforesaid facts and circumstances, we are inclined to dispose of this present OA at this very stage even without issuing notices to the respondents with a direction to consider the aforesaid representation along with the contents of the present O.A. and to pass

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a reasoned and speaking order in the matter, as expeditiously as possible and in any event within a period of three months from the date of receipt of a copy of this order. We direct accordingly. We further direct that the order to be passed be communicated to the applicant.

3. The present OA is disposed of in the aforesated terms.


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


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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