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Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.2539/2002

M.A.No.2166/2002

Friday, this the 27th day of September, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman

Hon'ble Shri M.P. Singh, Member (A)

1. Ms. Sonia Gandhi, Staff Nurse
d/o Shri B.S. Gandhi, F-4/4, Sector-16,
Rohini, Delhi.
2. Ms. Pratima, Staff Nurse
d/o Shri P.N.Pathak, B-2, 267, Sultan Puri, N. Delhi.
3. Sh. Narayan Singh, O.T. Technician,
s/o Shri Budh Ram, 26/4A, P&T Qtrs.
Type II, K.B.Marg, N. Delhi.
4. Shri Gajender Lakhera, OT Technician
s/o Shri C.L.Lakhera, F-85, Mohammed Pur,
New Delhi.
5. Shri Sanjay Kumar OT Technician,
s/o Shri Sita Ram Rai, BE-150, Hari Nagar,
St.5, N. Delhi.
6. Sh. Parmod Kumar, Jr. Radiographer
s/o Shri Shiv Dayal, 26, Jain Mandir Compound
Near Raja Bazaar, Shivaji Stadium, N. Delhi
7. Sh. Kapil Sagar, ECG Technician
s/o Shri H.L.Sagar, B-618, Avantika,
Sector-1, Rohini, Delhi.
8. Shri Gaurav Sharma, ECG Technician,
s/o Shri N.N.Sharma, G-27-237, Sector-23
Rohini, New Delhi.
9. Ms. Suman Lata Gautam
d/o Shri K.C. Gautam, G-2
Palika Niwas, Delhi. ...Petitioners

(By Advocates: Shri Manohar Lal & Shri C.P.Sharma)

Versus

1. Govt. of NCT of Delhi through
the Principal Secretary (Health & Family
Welfare) Indraprastha Sachivalya,
New Secretariat, ITO, N. Delhi.
2. Director of Family Welfare, Govt. of NCT
of Delhi, Indraprastha Sachivalya, ITO
New Delhi.
3. The Medical Superintendent, Govt. of NCT
of Delhi, Guru Gobind Singh Govt.
Hospital, Raghubir Nagar, New Delhi.
....Respondents.

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

MA-2166/2002

MA 2166/2002 is allowed subject to just exceptions.
Filing of joint application is allowed.



OA-2539/2002

Some of the applicants had earlier filed OA-126/2002. It came up for consideration before this Tribunal and the same was disposed of with the following directions:-

"3. We have heard the learned counsel for the contending parties and we feel that ends of justice will be met by disposing of the present OAs with a direction that in the event of respondents appointing candidates on regular basis the claims of the applicants for the said post should be considered. While considering the same, their experience of the service already rendered should be taken into account and proper weightage should be given to the same. Similarly age relaxation should also be considered provided they are within the age on the date of their initial appointment. Till regular appointments are made, services of the applicant should not be terminated."

2. In addition to that, a direction was specifically given to the respondents to make payment of the salary due to the applicants within a period of two weeks from the date of receipt of a copy of the order.

3. Learned counsel for applicants, at the outset, urged that despite a direction from this Tribunal, payment has not been made. If that be so, then the applicant may, if so advised, file an appropriate application for disobedience of the directions of this Tribunal.

4. So far as the other contentions are concerned, the applicants' plea is that they had served for more than 660 days and while regular appointments are purported to be made, the applicants' claim is being rejected on the ground that they are over age.

5. The copy of the advertisement clearly shows that initially the applications were invited for certain posts. The persons were to be appointed for 89 days or till regular candidates join whichever is earlier. This could be extended for one year

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or till regular candidates join whichever is earlier. The applicants have continued working for ~~more~~ than a year. It is not in controversy that as per the Recruitment Rules, the applicants presently are above the age, i.e., prescribed. If that be so, the initial appointment will not help the applicants because no appointment dehors the rules would be permissible.


6. Reliance is strongly placed on the earlier order passed by this Tribunal whereby it was stated that age relaxation could be considered provided applicants were within the age limit on the date of their initial appointment. It cannot be taken to be a direction by this Tribunal, except that the applicants' claim had to be considered. Once it has been taken note of and the authority feels that the applicants are above the prescribed age, indeed it cannot be termed that the directions have been violated. If, however, any of the applicants are not above the prescribed age, their claim can certainly be considered in accordance with ~~x~~ rules.

7. It is pointed out that the applicant No.8 is a ^{member of} scheduled caste community and he is not over age. It is directed that respondents should verify the age of applicant No.8. Subject to aforesaid verification, applicant No.8 may be permitted to take examination.

8. Subject to aforesaid, the O.A. is dismissed.

Issue Dasti.


(M.P. Singh)
Member (A)


(V. S. Aggarwal)
Chairman

/sunil/