

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1251/2001

New Delhi, this the 17th day of the May, 2001

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

1. Kanchedmal, S/o Sh. Sumer Singh,
I/141, Khichripur,
Delhi - 110 091
2. Puran Chand, S/o Gobind Ram,
A-68, Gali No. 5
Fulara House,
East Vinod Nagar, Delhi-91
3. Pawan Kumar, S/o Sh. Manturi Singh,
F-71, Harijan Basti,
Kondli, Delhi-110 096
4. Rajendra Singh, S/o Sh. Lakhami Singh,
10/160-161, Khichripur,
Delhi - 110 091
5. Rakesh Kumar Beniwal,
S/o Shri Mushilal Beniwal,
D-39, Kondli, Delhi-110 096
6. Dinesh Kumar, S/o Sh. Vishwa Nath Ram,
1466, Kalyanwas, Delhi - 110 091
7. Rohtas Kumar, S/o Sh. Harbir Singh,
9/141, Khichripur,
Delhi - 110 091
8. Jitendra Kumar, S/o Late Bhola Singh,
E-30, Ganesh Nagar Complex,
Pandav Nagar, Delhi-110 092
9. Rakesh Kumar, S/o Sh. Bundu Ram,
239, Patpar Ganj,
Delhi - 110 092
10. Mohammad Jahangir Alam,
S/o Late Budra-ud-din,
J-20, Sundar Nagari,
Delhi - 110 093
11. Anil Kumar, S/o Sh. Khub Singh,
House No. 111,
Gazipur, Delhi - 110 096 ... Applicants
239, Patpar Ganj,
Delhi - 110 092
(By Advocate: Shri Avtar Singh Rawat)

V E R S U S

1. Director,
Department of Health Services,
Govt. of N.C.T. Delhi.
E-6, Block, Saraswati Bhawan,
Connaught Place,
Delhi - 110 001
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2. Chief Medical Officer,
Department of Health Services,
Govt. of N.C.T. Delhi
E-6, Block, Saraswati Bhawan,
Connaught Place,
Delhi - 110 001
 3. Medical Superintendent,
Lal Bahadur Shastri Hospital,
Khichripur,
Delhi - 110 091 ... Respondents

O R D E R (ORAL)

By S.A.T. Rizvi, Member (A):

Heard the learned counsel.

2. The applicants are aspirants for the post of Nursing Orderly in the Lal Bahadur Shastri Hospital, Khichripur, Delhi (respondent No.3 herein). 165 posts of Nursing Orderlies were advertised on 9.5.1999. The applicants filed their applications in response to the aforesaid advertisement and were selected for appointments. According to the learned counsel appearing in support of the OA, the applicants were offered appointments to the post of Nursing Orderly vide letters issued on various dates in June, July, August, 1999 and in some cases even thereafter. In pursuance to the offer, each one of them was appointed for a period of 44 days on daily wages at the rate of Rs.90.30 per day. The appointments once made were, however, continued by similar letters issued by the respondents from time to time. In result, before January, 2001 each of the applicant had completed 500 days of work as Nursing Orderly, technical breaks notwithstanding. In February, 2001 their services have been dispensed with by an oral order. Accordingly, the applicants are presently without work. The learned counsel for the

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(3)

applicants submits that though the services of the applicants have been terminated, the respondents are likely to make fresh appointments against certain vacancies in the post of Nursing Orderlies in the near future. Moreover, the respondents have also held certain interviews for filling ^{up} of posts of class IV (Group 'D') in the pay scale of Rs.2550-32000. According to the learned counsel, interviews have also been held for the posts of Nursing Orderlies. Having put in more than 240 days of continuous work as daily wagers, the applicants are, according to him, entitled to be considered for regular appointments against class IV posts of Nursing Orderlies. He has not shown, however, as to how the applicants are entitled to be so considered. The relevant Recruitment Rules have also not been placed on record. If juniors to the applicants have been invited to attend the interview, it should have been possible for the applicant to name at least some of them. No such junior has been named by the applicants in the OA. The applicants also had ^{the} obvious option of making a representation in the matter before the respondents. No such representation appears to have been made. At least, no copy of any such representation has been placed on record. In the event, I do not find any ^{a convincing case} ~~convincing case~~ in support of the applicants for appointments on a regular basis. They will be entitled, no doubt, to be considered for appointments on daily wage basis in future also if the respondents decide to appoint Nursing Orderlies on daily wage, in preference over freshers and juniors to the applicants.

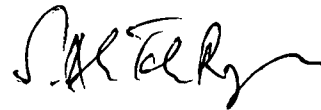
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3. In the aforesaid circumstances, I am inclined to take the view that the ends of justice will be adequately met by disposing of this OA at this very stage even without issuing notices with a direction to the respondents to re-engage the applicants as Nursing Orderlies on daily wage basis in preference over their juniors, freshers and outsiders. They are directed accordingly.

4. The OA is ^{disposed of} ~~disposed of~~ in the aforestated terms.

5. Registry is directed to send a copy of the OA along with this Order.



(S.A.T. RIZVI)
MEMBER (A)

(pkr)