

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO.1666/2001

New Delhi this the 11th day of July, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI M.P.SINGH, MEMBER (A)

Dr.Meeta Verma
W/o Dr.Krishan Verma
R/o B-6/136 Sector 5
Rohini
New Delhi.

... Applicant

(By Shri Pramod Gupta, Advocate)

-versus-

1. Government of NCT of Delhi
through its Chief Secretary
5, Sham Nath Marg
Delhi-110054.
2. The Principal Secretary
Health and Family Welfare Department
Government of NCT of Delhi
5 Sham Nath Marg
Delhi-110054.
3. The Director
I.S. M. & Homoeopathy
Government of NCT of Delhi
Tibbia College
Ajmal Khan Road
Karol Bagh
New Delhi.
4. The Union Public Service Commission
through Secretary
Dholpur House
Shahjahan Road
New Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal:-

Applicant is an Ayurvedic Doctor in the Health and Family Welfare Department of the Government of National Capital Territory of Delhi. He is similarly placed as the applicants in the case of Dr.Pamila Bhatia & ors. v. Government of NCT of Delhi & others

Ref.

in OA No.1109/2000 wherein the following reliefs were claimed:-

"(i). directing the respondents to grant to the applicants the same scale of pay and allowances, leave, increments, maternity leave and also the benefits of service conditions as are admissible to regularly appointed Medical Officers (Ayurveda) from the date of their initial appointment.

(ii). further directing the respondents to treat the applicants as having continued in service from the date of their first appointment ignoring the break of few days given in their service and they shall be so continued till regular appointments are made to the post.

(iii). directing the respondents that in the event of posts of Medical Officers (Ayurveda) being filled by regular recruits, the same shall first be posted in vacant posts and only after all the vacant posts are filled, should regular recruits replace the present applicants and such replacement shall be on the basis of last come first go.

(iv). directing the respondents to grant the applicants age relaxation to the extent of the service put in on contract basis in case the applicants apply for regular appointments as Medical Officer (Ayurveda).

(v). quash the impugned order dated 29.10.99 and 19.1.2000, whereby the working hours of the applicants are reduced.

(vi). direct the respondents to allow the applicants to work on full time basis."

By an order passed on 10.4.2001, aforesaid OA has been allowed by giving the following directions:-

"...the impugned OMs reducing the working hours of the applicants do not appear to have any justifiable basis. They are accordingly quashed and set aside."

"The respondents to grant similar benefits as they have given to Medical Officers in other disciplines of Medicine, like Allopathy & Homoeopathy, to the present applicants, who are Medical Officers (Ayurveda), in pursuance of the Tribunal's order in Dr.J.P.Paliya's case (supra) which has been upheld by the Hon'ble

12.1.01

Apex Court as follows:-

(i) the applicants shall be granted the same pay scale and allowances and also the benefits of leave, increment on completion of one year, maternity leave and other benefits of service conditions as 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 contracts. 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 previously.

(ii) Further, it is clarified that the pay and allowances and other service conditions as applicable and given to other Medical Officers shall be given to the applicants from the date of their initial appointments as mentioned in the Tribunal's order date 8.5.2000 in Dr. Aparna Sehgal's case (supra), following the decision in Dr. J.P. Paliya's case (supra).

(iii). The above orders shall be implemented by the respondents within three months from the date of receipt of a copy of this order."

2. As is apparent from the order of 23.2.2001 at Annexure A-2, applicant herein is amongst 9 Ayurvedic Doctors who are working in the Health and Family Welfare Department of the Government of NCT of Delhi, 8 of whom have instituted the aforesaid OA being OA No.1109/2000. Though the benefit of the judgement and order delivered in OA No.1109/2000 has been granted to the applicants therein, applicant herein has not been extended the same. The Supreme Court in the case of Raibinder Singh vs. State of Punjab and others. 1988(1) SLR 351 has. inter alia.





observed as under:-

"This Court in a number of writ petitions (W.P. 125/87 and 317/1987) has allowed the ad hoc teachers to continue in service while persons regularly selected by the P.S.C. are appointed to the posts. The respondent ought to extend the benefit of that order to all other ad hoc lecturers. It is not proper to drive them to this Court for securing similar relief. We make it clear that the petitioner and other similar ad hoc teachers are entitled to the benefit of the order of this court made in the aforesaid writ petition."

3. Having regard to the aforesaid position as also the observations of the Supreme Court, we find that this is a fit case where the present OA deserves to be disposed of at this stage itself even without issuance of notices with a direction to the respondents to extend the benefit of the aforesaid order dated 10.4.2001 rendered in OA No.1109/2000 at Annexure A-4 to the applicant as well. We direct accordingly.

4. Present OA is disposed of in the aforesaid terms.


(M.P. Singh)
Member (A)


(Ashok Agarwal)
Chairman

/sns/