

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.170/2001

(14)

New Delhi this the 14th day of September, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri Govindan S.Tampi, Member (A)

Dr. Neeraj Agarwal,
S/O Dr. S.D. Garwal,
R/O 30, Kotla Road,
New Delhi-110002

.. Applicant

(By Advocate Shri Pramod Gupta)

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,
Govt. of NCT of Delhi Indraprastha
Sachivalaya, Indraprastha Estate,
Delhi.
3. The Director of Health Services,
Government of NCT of Delhi,
E-Block, Saraswati Bhawan,
Connaught Place, New Delhi.
4. The Union Public Service Commission
through Secretary, Dholpur House,
Shah Jahan Road, New Delhi.

.. Respondents

(By Advocate Shri Harvir Singh for
respondents 1-3)
(By Advocate Shri K.R. Sachdeva for R-4)

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)

While learned counsel for the applicant and learned
counsel for respondents 1-3 were ready for arguments as
this case has been listed at Serial No.7 under regular
matters in today's cause list, Shri K.R. Sachdeva, learned
counsel for respondent 4 has sought an adjournment for a few
days. He has submitted that he has so far not received any

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comments from Respondent 4/UPSC to enable him to file reply but he is conversant with some points which he would like to place before the Tribunal.

(15)

2. We note that notice in this case has been issued to the respondents by order dated 23.1.2001. On 6.12.2001, Shri K.R.Sachdeva, learned counsel, had also appeared on behalf of respondent No.4 and sought two weeks to file reply. The same plea has been taken today after more than six months, that he should be given some more time to file reply. It is further noted that in the meantime apparently the respondents have not cared to even furnish their comments to the learned counsel. As mentioned above, this case has been listed at Serial No.7. We do not consider it appropriate to adjourn the case again so as to afford another opportunity to Respondent 4 to file ^{their} reply, as they have already got ample opportunity to do so. It is also relevant to note, as submitted by Shri Pramod Gupta, learned counsel and Shri Harvir Singh, learned counsel for the respondents 1-3, that the facts and issues raised in this case have been dealt with by a catena of judgements of the Tribunal, which has followed the judgement of the Hon'ble Supreme Court in Dr.(Mrs.)Sangeeta Narang and Ors. Vs.Delhi Administration and Ors.(ATR 1988(1) CAT 556). This has been followed by the Tribunal(PB) in Dr. J.P.Palyia and Ors. Vs. Govt.of NCT Delhi (OA 2564/1997 decided on 23.4.1998 with connected matters), in which one of us(Smt. Lakshmi Swaminathan, VC(J) was also a Member). This judgement has been upheld by the Hon'ble High Court and the Supreme Court and has, therefore, become final and binding. In the circumstances, the prayer of the learned

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counsel appearing on behalf of respondent 4 for an adjournment of the case does not appear to be justified and it is accordingly rejected.

(16)

3. We have carefully considered the pleadings and the submissions made by the learned counsel for the applicant and the learned counsel for the official respondents 1-3.

4. The main claim of the applicant in the present case is to quash and set aside the impugned order issued by respondent No.2 qua the applicant dated 8.1.2001 (Annexure A 1). Shri Pramod Gupta, learned counsel, has relied on the judgements of the Tribunal in Dr. Divpreet Sahni and Ors. Vs. Govt. of NCT of Delhi through its Chief Secretary and Ors. (OA 2111/2000) decided on 22.5.2001 and Dr. Abhilasha Kewal Krishan and Ors. Vs. Govt. of NCT of Delhi through its Chief Secretary and Ors (OA 2650/2000) decided on 28.8.2001. He has also submitted that applicant No.5 in OA 2650/2000 is the same person whose name appears at Serial No.1 together with the name of the applicant in the present case in the impugned order i.e. Dr. Navita Mittal. Shri Harvir Singh, learned counsel for the respondents, has submitted that in the case of Dr. Navita Mittal, she is continuing in service following the Tribunal's order dated 28.8.2001 in OA 2650/2000. He has also brought to our notice the order issued by the respondents dated 25.7.2001, copy placed on record.

5. Having regard to the facts and circumstances of the case and the aforesaid judgements of the Tribunal read with the respondents order dated 25.7.2001, we are

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satisfied that the present applicant is also entitled to the same benefits as have been accorded to other similarly situated Doctors who were earlier employed by respondents 1-3 on ad-hoc/ contractual basis. The OA is, therefore, disposed of directing the respondents to grant the applicant similar benefits as have been granted to other similarly situated Doctors. In terms of this ^{order is} MA 341/2001 is also disposed of.

No order as to costs.

(Govindan S. Tampi)
Member (A)

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(Smt. Lakshmi Swaminathan)
Vice Chairman(J)