

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.No.1920/2001

M.A.No.1597/2001

Hon'ble Shri Shanker Raju, Member(J)  
Hon'ble Shri S.K.Agrawal, Member(A)  
Friday, this the 26th day of April, 2002

1. Mrs. Ambily Shaji  
w/o Shaji Philip  
aged 29 years  
111-D, LIG DDA Flats  
Motia Khan  
New Delhi.
  2. Ms. Rosily Joseph  
d/o T.A.Joseph  
aged 25 years  
C/o Regimon Philip  
H.No.31, Nai Basti  
Maidan Garhi, Near IGNOU  
New Delhi - 110 068.
  3. Lincy Mathew  
d/o Mathew  
aged 26 years  
1/18, Lalita Park  
Laxmi Nagar  
New Delhi - 110 092.
  4. Rachael Varghese  
d/o P.M. Varughese  
aged 25 years  
c/o Mamman Varghese  
C-225, LIG Flats, Pocket-E  
GTB Enclave Shandra  
Delhi.
  5. Babita Sebastian  
d/o Sebastian  
aged 25 years  
71-B, Gautam Nagar  
New Delhi - 110 049.
  6. Mareena Joseph  
d/o M.C.Joseph  
aged 26 years  
C/o Reena K.K.  
15, Adehini  
Sri Aurobindo Marg  
New Delhi.
  7. Juby J.Malekunel  
d/o M.V.Chacko  
aged 28 years  
Room No.37  
Ist Wing, Ist Floor  
New Nurses Hostel  
L.N.Hospital  
New Delhi.
- ... Applicants.

(By Advocate: Shri E.X.Joseph, Sr. Counsel with  
Ms. Arati Mahajan)

1. National Capital Territory of Delhi  
Repr. by its Chief Secretary  
5, Sham Nath Marg  
Delhi.
  2. National Capital Territory of Delhi  
Repr. by PHC-CUM. JT, Secretary(Health)  
Technical Recruitment Cell  
1, Jawahar Lal Nehru Marg  
New Delhi - 110 002.
  3. Delhi Subordinate Services Selection Board  
Repr. by its Secretary  
IIIrd Floor, UTCS Building  
Behind Karkardoom Court Complex  
Vishwas Nagar, Shahdra  
Delhi - 110 032.
  4. The Medical Superintendent  
G.B.Pant Hospital  
New Delhi.
  5. The Medical Superintendent  
L.N.J.P.Hospital  
New Delhi.
- ... Responder

(By Advocate: Shri Vijay Pandita)

O R D E R (Oral)

By Shanker Raju, M(J):

Applicants, who have been engaged on contract basis during the strike period w.e.f. 9.5.1998, have assailed the selection procedure adopted by the Delhi Subordinate Service Selection Board (in short as 'DSSSB') and contended that the applicants have been adjudged on the basis of the replies given by them to the questions asked, which have nothing to do with the work of the applicants and others. The questions asked by the respondents are related to General Knowledge and related during the Interview. It is also stated that the selection have been held only on the basis of Personal Interview in absence of Written and Professional Test as amended by Clause 4 of Mode of Selection.

2. The Tribunal on 1.8.2001, while issuing the notices to the respondents, restrained them from terminating their services.

3. Shri E.X.Joseph, learned senior counsel appearing on behalf of the applicants, has drawn our attention to a decision of the Principal Bench in OA No.927/2001, decided on 17.4.2001. It is contended that the respondents have made a statement therein that Nurses who were below the age of 30 years, their services have already been regularised. In this view of the matter, it is stated that the similar treatment should also be accorded to the present applicants as they are similarly placed as applicants in OA No.927/2001. It is further stated that all the applicants, except applicant No.1, are within the age limit prescribed for the post of Staff Nurse. In this view of the matter, it is contended that they may be subjected to selection based on Clause 4 of the Mode of Selection *ibid*.


4. On the other hand, learned counsel for the respondents, at the outset, has stated that in February, 2002, they have advertised 800 vacancies, in pursuance, the applicants have also applied. It is also stated that this time, the selection is to be held in the Department and is not entrusted to DSSSB and all the relevant criteria for selection would be observed in accordance with the extant rules and instructions and in accordance with law.

5. Having regard to the rival contentions of both the parties, ends of justice would be met, if the present OA is disposed of with direction to the respondents to consider the cases of the applicants also in the selection strictly on the basis of the criteria laid down under the extant rules and instructions. We find that the applicants, who have been continued for more than four years as Staff Nurse and have attained the experience, this experience should also be considered as one of the factor while considering their cases in the selection in accordance with extant rules and instructions on the subject. Applicant No.1, who is over aged by one month, her case should be treated sympathetically and be given age relaxation, keeping in view of her four years experience, and she should also be allowed to participate in the selection. Since the selection is under process and it is stated that this is likely to be concluded expeditiously, till then the respondents are restrained from terminating the services of the applicants.

6. The OA is disposed of in the above terms.

No costs.

  
(S.K. Agrawal)  
Member(A)

  
(Shanker Raju)  
Member(J)

/rao/