

Central Administrative Tribunal
Principal Bench: New Delhi

O. A. No. 2462/2001

This the 28th day of August, 2002

10

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

Hon'ble Mr. V. K. Majotra, Member (A)

1. Josaf s/o Shri Gyan Prakash,
2. Rama Shanker s/o Shri Jamna Prasad,
3. Birender Pratap Singh s/o Shri Devsingh
4. Sunder Lal s/o Shri Jhandu Ram,
5. Jitender Kumar Hari Poojan,
6. Pramod Kumar s/o Shri Ram Chander,
7. Ramesh Kumar s/o Lt. Shri Jamna Prasad,
8. Bimba Dhar Sethi s/o Shri Laxman Sethi,

- Applicants

All are cured Leprosy Person residing in Leprosy complex, Tahirpur, Shahdara, New Delhi.

(By Advocate: Shri Yogesh Sharma)

Versus

1. NCT of Delhi
through The Chief Secretary,
New Sectt. New Delhi.
2. The Director,
Directorate of Health Services,
Govt. of NCT of Delhi,
Swasth Seva Bhawan, Kakaduma,
New Delhi.

- Respondents

(By Advocate: Shri George Paracken)

ORDER (Oral)

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

After the arguments have been heard, the matter in question has been simplified.

2. Petitioner, Josaf and seven others were seeking declaration that the action of the respondents in not considering the case of the applicants for their appointment to the posts of Nursing Orderly, Sweeper, Ward Boy and Dresser etc. as leprosy Cured Patient has not been considered in accordance with the

MS Ag

11

instructions of the Government of India. They seek a direction to the respondents to consider their cases for the posts of Nursing Orderly, Sweeper, Ward Boy and Dresser in preference to non-leprosy patient in D.O.U. Hospital with all consequential benefits as per Government instructions.

3. The facts can be delineated to be that the petitioners claim that they are leprosy Cured Patients. They seek that instructions of the Government, copy of which is Annexure A-2, should be made applicable to the post referred to above.

4. It becomes necessary for us to ponder further in this case and even make a reference to the counter affidavit filed by the respondents whereby it has been pointed out that the petitioners have been considered and not found suitable for certain posts that were advertised. The reasons for saying so are that as per instructions dated 3.6.1981, copy of which is Annexure A-1, the preferential treatment claimed by the petitioners is confined to Cured leprosy patients in the posts related to National leprosy Central Programme. The said instructions are being re-produced below for the sake of facility :-

"Sir,

I am directed to invite your attention to the need for answering that Leprosy cured patients got proper opportunities for rehabilitating, themselves and also for serving other leprosy patients. For this purpose, it is necessary that under the pattern of National leprosy Central Programme for the sixth Plan Period laid down in this Minister letter No.T.11C11/2/79/CCD dated 14.5.81 the following types of posts should be preferentially filled by leprosy cured patients and other non-leprosy affected persons should be employed only as and when leprosy cured patients are available.

1. Daily wage workers in Temporary Hospitalisation wards.
2. Nursing Orderlies,
3. Ward Attendants,
4. Cleaners & helpers,
5. Dressers,
6. Sanitary workers (Sweepers)

The above posts are in regular time scales except for the posts of Daily Wage Workers.

18 Ag

2. It is requested that immediate instructions may please be issued to all controlling authorities to ensure that all future appointment in N.L.P.C. Units are carried out in accordance with this procedure. A copy of such instructions may please be endorsed to us for information. 2

3. As it is important for the drive towards eradication of leprosy from this country that the rehabilitation of leprosy cured patients and their acceptance in the Society should proceed as far as possible, it is requested that these instructions may please without delay.

Please acknowledge receipt,

Yours faithfully,

sd/-

L.C. Bansal,
Director (FH)

Copy to Asstt. Director General (Leprosy), DGHS, who may please ensure that the same policy is followed in all Central Leprosy institution also".

5. The above quoted instructions clearly reveal and leads one to conclude that the intention of issuing such instructions was to give proper opportunities for rehabilitating Leprosy Cured Patients to serve other Leprosy patients. This relates to National Leprosy Central Programme. This has been done with a laudable object to ensure that the Leprosy patients who had been cured should get a preferential treatment in employment in the said matter to treat the other patients in the other National Leprosy Central Programme.

6. The same instructions have been reiterated in the subsequent letter of 1.11.1988, copy of which is Annexure A-2. Once again it reads that the object is to permit Cured Leprosy Patients to serve other Leprosy patients. It is made emphatic that when posts have to be filled up related to National Leprosy Central Programme, preferential treatment has ^{to} been given to cured leprosy patients and other non-leprosy affected persons should be employed only as and when leprosy cured patients are not available. It is reiterated that of course the posts are

18 Aug

(B)

those which are confined and related to National Leprosy Central Programme.

7. Keeping in view the aforesaid, the OA is disposed of with a direction that in the hospitals mentioned in Annexure A-2, the posts mentioned related to National Leprosy Central Programme should be filled up in accordance with instructions, copies of which are Annexure-1 and Annexure-2. This order would be confined to the vacancies that have to be filled up in future. No costs.

V. K. Majotra

(V. K. Majotra)
Member (A)

V. S. Aggarwal

(V. S. Aggarwal)
Chairman

cc.