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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2894/2001

New Delhi this the 28th day of February, 2002

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

Ms.Binnu Punnen,  
D/O Sh.Punnen Kurian,  
Sant Parmanand Hospital,  
18, Sham Nath Margh,  
Civil Lines, Delhi.

..Applicant

(By Advocate Shri S.C.Phogat )

VERSUS

1. Govt.of NCT of Delhi,  
Ministry of Health, Old  
Secretariat, Delhi through  
its Secretary.
2. Guru Teg Bahadur Hospital,  
through Medical Superintendent,  
Shahdara, Delhi-95

(By Advocate Shri Vijay Pandita )

O R D E R (ORAL)

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

This application was originally filed by 3 applicants but Shri S.C.Phogat, learned counsel for the applicants has submitted that he does not press the claim in respect of applicants 1 and 2. Therefore, order is being passed only in respect of applicant No.3.

2. We have heard Shri S.C.Phogat, learned counsel for the applicant and Shri Vijay Pandita, learned counsel for the respondents.

3. The applicant is aggrieved by the respondents order dated 5.10.2001, in which they have stated that her

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services shall automatically stand terminated on the completion of the stipulated period i.e. 57 days as Staff Nurse. According to the respondents the applicant has been employed as Staff Nurse on contract basis and therefore, there is no question of regularisation of her services. However, it is not disputed that in spite of the ad interim order not being continued, the service of the applicant was not dispensed with and she is still continuing in service apparently because they are required by respondent 2/ The Guru Teg Bahadur Hospital.

4. In terms of the Tribunal's order dated 1.2.2002, learned counsel for the respondents has submitted the necessary information, copy placed on record. From this note, it is seen that 79 posts of Staff Nurses are still existing against which the Hospital has been authorised to make appointments on ad hoc basis, till regularly selected candidates become available. Learned counsel for the respondents submits that the advertisement for filling these posts has already been given and the same is under process. He relies on a number of judgements of the Tribunal in similar matters, for example Ms Reena Joseph and Ors Vs. Govt. of NCT of Delhi through the Chief Secretary and Ors. (OA 3314/2001) decided by order dated 12.12.2001; Saira Bano Vs. Govt. of NCT of Delhi through Secretary, Ministry of Health, Delhi and ors (OA 3244/2001) disposed of by Tribunal's order dated 8.2.2002 as well as other judgements, copies placed on record.

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5. Shri P.C.Phogat, learned counsel for the applicant has submitted that he would be satisfied if the applicant's services are not terminated till a regularly selected Staff Nurse becomes available.

6. In the facts and circumstances of the case and having regard to the aforesaid judgements of the Tribunal on similar matters, we dispose of this OA with a direction to the respondents to allow the applicant to continue in service, subject to the relevant rules, till a regularly selected candidate becomes available for joining duty as a Staff Nurse. Accordingly, the impugned order dated 5.10.2001 is quashed and set aside. No order as to costs.

(Govindan S. Tampi)  
Member (A)

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*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Vice Chairman (J)