

CENTRAL ADMINISTRATIVE TRIBUNAL
(PRINCIPAL BENCH)
New Delhi

OA/TA No. 3296 OF 01

Ajmal Hussain v/s. VOI

PART - I PERMANENT RECORD

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Prepared by:	Checked by:
Signature & Date :	Signature & Date :
Name :	Name :
Designation :	Designation :

Item No. 12

OA No. 3296(b)

11.12.2001

Counsel present for the applicant: Shri S.K.Sinha
-do- Respondents : Shri

At the request of the party/parties, adjourned to

14-12-2001

B. O.


for C.O., C.V
11.12.2001

1.
14-12-2001
OA 3296/2001
MA 2737/2001

Present : Shri S.K.Sinha, ld. counsel for the applicant.

MA 2737/2001 for joining together is allowed.

2. In this OA, four applicants were working as Nursing Orderlies and their services have been terminated and disengaged after putting more than 500 days. He challenges the same and also seeks interim relief by way of re-engagement of the concerned persons on the ground that 11 other persons whose services also were similarly dis-engaged in February 2001 had been re-engaged.

3. I have considered the matter. The question of grant of any interim relief does not arise after 9 months from their dis-engagement from service. Shri S.K.Sinha, ld. counsel also states that the respondents may be persuaded to take a positive view.

4. However, I direct the issuance of notice to the respondents returnable in four weeks. Two weeks thereafter for rejoinder, if any. While filing their counter, the respondents shall also refer to the point raised by the learned counsel for the applicants that 11 persons whose services were similarly terminated had been re-engaged and as to why the discriminatory attitude was shown.

5. List on 8-2-2002.

Issue DASTI

(GOVINDAN S. TAMPI)
ADMINISTRATIVE MEMBER

8.2.2002

13.

OA No. 3296/2001

Present: None for applicant.

Proxy Shri Chaudhary for Shri George Paracken, for respondents.

Heard.

Issue notice to respondents returnable within four weeks. Four weeks for rejoinder, if any.

List before J.R. on 4.4.2002.

MRM
(S.R. Adige)
Vice Chairman (A)

/ug/

*Pl. See the report
in Part E1*

10.

OA 3296/2001

04.04.2002

Present : Shri S.K. Sinha, counsel for applicant.

Shri Y.R. Khanna, HC, Deptt. Representative
on behalf of respondents.

In view of submission made by Departmental
Representative that counter reply has been filed on behalf
of all the respondents, notice returned would not be issued
again. Learned counsel for applicant submits that he has
received copy of the reply.

Place the matter before the Court on 10.04.2002.


(A.K. SAHOO)
DY. REGISTRAR

"rach"

17

10-4-2002

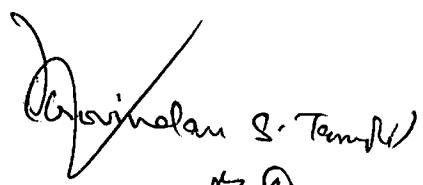
OA 3246/2001

7A

Resvd:- Shri S. K. Singh, Ad. couns. for the
Plaintiff.

None of the respondents.

• List on 29-4-2002 as per stand.


Mahindra S. Tamhankar

7A

or not admitted
Reply filed
Rejoinder not filed

Item No. 10

29.4.2002

O.A. No. 3296/2001
Present: Sh. S K Sinha, counsel for applicant.

Sh. George Parackin, counsel for respondents.

At the request of Sh. George Parackin, the case is adjourn
to 01.5.2002.

G
(Govindan S. Tampi)
Member (A)

Patwal/

*No order
Bijoyee worded*

1.5.2002

Item No.11(R)
OA 3296/2001

Present: Shri S.K.Sinha, learned counsel for applicant
Sh.Georgee Parackthn, learned counsel for respondents.

Heard both counsel. In para 4.11 of this OA it has been alleged by the applicant that persons similarly placed as the present applicants have been re-engaged, at their cost. This has been necessary by respondents stating that the engagement of 11 persons has been on the specific orders of the Tribunal in earlier OA. Shri Sinha has not been able to establish that those 11 individuals are identically placed as his clients are, is granted on his specific request one weeks time to file an additional affidavit supporting his case. Learned counsel for the respondents is granted one weeks time to file his reply to the additional affidavit. The matter may be thereafter placed before in appropriate fate for this portion. This is being released from part heard.

List on 22.5.2002.

(Govindan S.Tampi)
Member (A)

not admitted
Reply filed

Rejinder inst. filed
Additional affidavits
not filed by
Applicant

/shyam/

18 A

2009, 3, 1

24.5.02

Digitized by srujanika@gmail.com

Present Shri S. K. Senha Cmstl Fr

the applicant

8th George Parrot Cased

to *for the dependents* *base*

It has been ~~checked~~ checked by AC and
is therefore fit for use.

Shots passed Separately in the
open court by the single beneficiary
Honorable Mr. Shanker Ray M(J)

and empirical evidence and best practice are acknowledged, support the following:

and the visibility function will be used to check for any

standardized for each country.

brisked. G. D. q. m. t. b. a. b. e. i. s.

Aug. 22 on tan.

1. 1951-2 nabirvob
(A) 7-1691

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 3296/2001

This the 24th day of May, 2002

Hon'ble Shri Shanker Raju, Member (J)

1. Ajmal Hussain
S/o Shri Sardar Hussain Khan,
R/o J-3/92, Kishan Kunj,
Laxmi Nagar,
New Delhi-110 092
2. Kamlesh Kr. Sharma (Gen)
S/o Shri Banwari Lal Sharma,
R/o H-68, Jai Prakash Nagar,
Gali No. 16, Ghonda,
Delhi-110 053.
3. Pardeen Kumar (Gen)
S/o Shri Gajraj Singh,
R/o H.No. 66, Street No.2,
West Arjun Nagar,
Delhi-110 051
4. Sunil Kumar (SC)
S/o Shri Bhagat Ram,
R/o B.I. Line,
Servant Quarter No. 5/11
Red Fort, New Delhi-6.

2
-Applicants

(By Advocate: Shri S.K. Sinha)

Versus

1. Director,
Department of Health Services,
Government of NCT Delhi,
E-6, Block, Sarswati Bhawan,
Connaught Place,
New Delhi-110 001.
2. Chief Medical Officer,
Department of Health Services
Government of NCT Delhi,
E-6, Block, Sarswati Bhawan,
Connaught Place,
New Delhi-110 001.
3. Medical Superintendent,
Lal Bahadur Shastri Hospital,
Khichripuri Delhi-110 091.

-Respondents

(By Advocate: Shri George Paracken)

ORDER (Oral)

MA-2737/2001 for joining together is allowed.

2. Applicants have sought their engagement on daily wages as Nursing Orderlies and also accord of temporary status having 500 days without any breaks w.e.f. 18.6.99 till February 2001. The learned counsel at the outset forgoes his prayer contained in para-8(b) regarding grant of temporary status and consequent regularisation under DOPT Scheme of 1993. As such, the same has not taken into consideration.

3. Placing reliance pertaining to 11 daily wagers in earlier OA-1251/2001 wherein directions have been issued to consider them for re-engagement on daily wages as Nursing Orderlies in preference to freshers and juniors, in the event, the respondents consider appointing daily wagers as Nursing Orderlies. It is contended that the applicants, therein, have been re-engaged on daily wages. It is stated that as the applicants are identically circumstance, they may also be accorded the same benefit.

4. On the other hand Shri George Paracken denied the contentions as stated that the applicants though already given an opportunity to appear in the examination for their appointment having failed, are not entitled for being accorded regular status for re-engagement. It is also stated that the re-engagement depends upon the availability of vacancies as well as availability of work.

5. I have carefully considered the rival

contentions of the parties and perused the material on record.

6. Having regard to the fact that the applicants have not pressed their relief for grant of temporary status, I am of the considered view that the only issue to be determined is regarding re-engagement of applicants on daily wages as Nursing Orderlies. It is stated that identical circumstance daily wages who have appeared in the examination and failed, had been re-engaged on availability of work and vacancies, the applicants cannot be deprived of the same benefit. It would not be in-consonance with Article-14 & 16 of the Constitution of India.

7. In the result, ends of justice will be duly met if the OA is disposed of with a direction to the respondents to consider applicants for re-engagement on Daily Wages as Nursing Orderlies as and when vacancies are available as well as the work in preference to the juniors and outsiders. Ordered accordingly.

8. The OA is disposed of in the above terms. No costs.

S. Raju

(Shanker Raju)
Member (J)

cc.