

Central Administrative Tribunal
Principal Bench

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O.A. No.3418 of 2001

New Delhi, dated this the 25th September, 2002.

HON'BLE MR.JUSTICE V.S.AGGARWAL, CHAIRMAN
HON'BLE MR. B.N. SOM, VICE CHAIRMAN (A)

1. Dr.Pramila Bhatia,
W/O Shri Pradeep Kumar Dua
R/O BK-2/27, Shalimar Bagh,
Delhi-110088
2. Dr.Anil Chikara,
S/O Shri Mahinder Singh Chikara,
R/O D-157, Street No.70,
Uttam Nagar,
New Delhi.
3. Dr.Monica Verma,
D/O Shri Mahinder Singh Verma,
R/O House NO.1117, Sector 17,
Faridabad 121007.
(By Advocate: Shri Parmod Gupta) ...Applicants.

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,
Government of NCT of Delhi,
Indraprastha Sachivalaya,
Indraprastha Estate,
Delhi.
3. The Director of ISM & H,
Government of NCT of Delhi,
Tibbia College,
Ajmal Khan Road, New Delhi.
4. The Union Public Service Commission,
through Secretary,
Dholpur House,
Shah Jahan Road,
New Delhi. ...Respondents
(By Advocate: Shri Ajesh Luthra)

ORDER(ORAL)

Justice V.S.Aggarwal, Chairman

By virtue of present application, the applicants have prayed for a direction that they should be regularised in service or in alternative

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they should be considered for regularisation on the basis of their performance, record and work and conduct report. They should not be asked to compete with the fresh aspirants.

2. The applicants had been appointed as Medical Officers (Ayurvedic) purely on contract basis for a period of six months or till regular appointments are made, whichever is earlier. It was clarified that the appointments can be terminated at any time by giving one month's notice or by paying one month's salary without assigning any reason. The recruitment rules for the post had already been notified and for the post of Medical Officer (Ayurvedic), it is clearly provided that all posts will be filled up by direct recruits and the departmental promotion committee will be constituted and consultation of UPSC will also be necessary.

3. Admittedly, the applicants have not been appointed in terms of recruitment rules. Once the applicants have not been appointed in terms of the recruitment rules, they have no right to claim regularisation de hors the rules. A similar question came for consideration before Delhi High Court in CWP No.7386/2000 Shri Sandeep & Ors. Vs. Delhi Subordinate Services Selection Board & Ors. decided on 23.7.2002. In the said case the appointments of Trained Graduate Teachers/Post Graduate Teachers were governed by rules regarding method of recruitment and qualifications necessary for appointment to the said posts. The petitioners in Delhi High court possessed requisite qualifications. The appointments were made

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on contract basis. Their grievance was that they were appointed on the basis of open selection and have been appointed on contract basis for a period of six months. Identical claims were claimed before the Delhi High Court which dismissed the petition upholding the decision of the Central Administrative Tribunal. Identical is the position here and consequently we have no hesitation in concluding that the present OA has no merit and it must fail and is dismissed.

~~(B.N.Som)
Vice Chairman (A)
/ug/~~

~~(V.S.Agarwal)
Chairman~~