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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO. 927/2001  
M.A. NO. 801/2001

New Delhi this the 17th day of April, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

1. Mrs. Molly Mathew  
C/o T.P. Jony  
R/o A/10, P.S. Paharganj  
New Delhi-55.

2. Mrs. Philo Seth  
Shop No.20  
East Nizamuddin Market  
New Delhi-03.

... Applicants

( By Advocate Shri Abraham N.A. )

-versus-

1. Lt. Governor of Delhi  
6, Raj Niwas Marg  
Delhi-54.

2. Govt. of N.C.T.  
Through its Chief Secretary  
5, Sham Nath Marg  
Delhi.

3. National Capital Territory of Delhi  
PHC cum Jt. Secretary (Health)  
1, Jawahar Lal Nehru Marg  
New Delhi-2.

4. Delhi Subordinate Service Selection Board  
Through its Secretary  
3rd Floor, UTCS Building  
Behind Karkardooma Court Complex  
Vishwas Nagar, Shahdara  
Delhi-32.


5. Lok Nayak Jayaprakash Hospital through  
its Medical Supdt., Jawahar Lal Nehru  
Marg  
New Delhi-2.

... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

MA No.801/2001 for joining together in a single  
OA is granted.



2. Applicants who are two in number had been appointed as Nurses at the Lok Nayak Jai Prakash Narain Hospital on short term contract basis during the period when the Nurses in the Government Hospitals had proceeded on strike. Their services were continued even after the strike had been called off and regular nurses reported back for duties.

3. As far as Nurses who were below the age of 30 years are concerned, their services have been regularised. Since the services of the applicants and other similarly situated Nurses were likely to be terminated, they instituted a civil writ petition being Civil Writ Petition No.2792/1999 before the Delhi High Court wherein interim relief was granted on 20.5.1999 in the following terms:-

"I have heard the learned counsel for the petitioners, Mr.R.Sathish, and the learned counsel for the respondents, Mr.Anil Grover.

It is made clear that all the selected candidates and the writ petitioners in CWPs.2712/99, 436/99, 437/99, 429/99, 428/99, 1205/99, 1206/99, shall be permitted to discharge their duties and the respondents shall pay their salaries until further orders. This is without prejudice to the rights and contentions of the parties.

Post the matter on the 22nd July, 1999. DASTI to both the parties.

4. Aforesaid writ petition was ultimately disposed of by an order passed on 26.3.2001 at Annexure G by observing as follows:-

"Counsel appearing for the respondents takes up a preliminary objection regarding

maintainability of the writ petition. She states that this writ petition is not maintainable in this court and if in case there is any cause of action, the remedy lies only with the Central Administrative Tribunal (CAT).

"In view of the aforesaid statement, counsel appearing for the petitioners seeks permission to withdraw this petition with liberty to the petitioners to approach the Central Administrative Tribunal. Permission is granted. The petition stands disposed of with a liberty to the petitioners to approach the Central Administrative Tribunal for the reliefs claimed.

"So far the question of limitation is concerned, the petitioners shall be entitled to the benefit of the period during which this writ petition was pending in this court.

"A copy of this order be given DASTI to the counsel appearing for the parties."

Applicants, in the circumstances, have instituted the present OA. Certain other Nurses who were similarly placed as the applicants herein had earlier instituted an OA being OA No.844/2000 wherein notices have been issued and interim orders have also been passed. Aforesaid OA is directed to be listed on 18.4.2001.

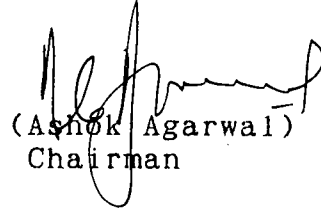
5. As far as the applicants herein are concerned, we do not find that they are entitled as of right for regularisation and for regular appointment. They cannot claim relaxation of the age limit prescribed under the recruitment rules. They do not possess <sup>vested</sup> ~~aforesaid~~ right on their appointment as Nurses which was on short-term and contract basis. ~~We are not bound by the~~ Interim order passed in the aforesaid OA No.844/2000. is of no consequence as the same does not finally decide any questions of fact or law which can be of binding effect in the present O.A. If at all present order will have that effect on the aforesaid O.A.

6. Present OA, in the circumstances, we find is devoid of merit. The same is accordingly summarily rejected.



(S.A.T. Rizvi)  
Member (A)

/sns/



(Ashok Agarwal)  
Chairman