

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 862/2001

WITH

OA 142/2001

MA 104/2001

OA 2640/2000

MA 3077/2000

OA 991/2001

New Delhi, this the 5th day of September, 2001

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

OA 862/2001

1. Dr. Rajeev Kumar
S/o Shri Bhim Sen
Medical Officer
Shalimar Bagh, Delhi.

R/o 970, Mukerjee Nagar
Delhi - 110 009.

2. Dr. Vinod Kumar Rastogi
S/o Shri R.C. Rastogi
Medical Officer
Central Jail Hospital, Tihar
New Delhi 58.

R/o WZ-77, Dayal Sarrodd
Uttam Nagar
New Delhi 110059.

3. Dr. Rishi Prakash Yadav
S/o Shri S.P. Yadav
Medical Officer
North Zone
Shalimar Bagh, Delhi.

R/o 568, C-8, Sector-8
Rohini, New Delhi - 85

4. Dr. Neeraj Chaudhary
S/o Shri M.C. Chaudhary
Medical Officer
Directorate of Health Services
Delhi.

R/o C-3/42 Ashok Vihar, Ph. II
Delhi - 52

5. Dr. Vijay Pal Khari
S/o Shri D.P. Khari
Medical Officer
A.A. Ali Hospital
Delhi.

R/o WP-425, Wazirpur Village
Ashok Vihar
Delhi - 52

OA 142/2001

1. Dr. Murtaza Fazal Abbas
S/o Late Mr. Fazal Abbas
Medical Officer
North Zone
Shalimar Bagh
Delhi.

R/o B-53-A, Gangotri Apartments
Alaknanda, New Delhi.

2. Dr. Attar Singh Yadav
S/o Shri C.R. Yadav
Medical Officer
RDRM Hospital
Jaffarpur, New Delhi
R/o Vill. & P.O. Surehra
New Delhi - 43.

3. Dr. Garima Jaiswal
W/o Shri Rahul Kumar
Medical Officer
Mobile Health Scheme
South Zone

R/o A1/10, Panchsheel Enclave
New Delhi - 110 017.

4. Dr. Girish Chandra Prabhat
S/o Shri Parma Singh
Medical Officer
L.N.J.P. Hospital,
New Delhi.

R/o WZ-75 Mukhram Park Extn.
Tilak Nagar
New Delhi.

5. Dr. Jyoti Prakash
S/o Shri K.K. Mahto
Medical Officer
West Zone.

R/o 1526, Sector-A
Pocket B&C
Vasant Kunj, New Delhi.

6. Dr. B. V. Sudhir
S/o Shri K.V.V. Setty
Medical Officer
North Zone.

R/o F-30, ITI Pusa Campus
New Delhi - 110 012.

7. Dr. Jasbir Singh
S/o Shri R.L. Bhati
Medical Officer
West Zone

R/o C-3, Kailash Colony
New Delhi - 48.

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8. Dr. Anupama Singh
W/o Dr. Vikas Chopra
Medical Officer
West Zone,
R/o A-158, Surajmal Vihar
New Delhi.

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OA 2640/2000

1. Dr. Amit Vikram
S/o Dr. S.S. Yadav
Medical Officer
East Zone, Gita Colony, Delhi.

R/o L-124, Sector-11,
NOIDA (UP)

2. Dr. Pradeep
S/o Shri P.D. Sharma
Medical Officer
North Zone, Shalimar Bagh
New Delhi.

R/o Block-CA/95-C, DDA Flats
Hari Nagar
New Delhi - 110 064.

3. Dr. Anup Aggarwal
S/o Late Shri S.K. Aggarwal
Medical Officer
North Zone, Shalimar Bagh
New Delhi.
R/o 568, Pocket C-8, Sector-8
Rohini, New Delhi - 85.

4. Dr. Anupa Aggarwal
Medical Officer
North Zone, Shalimar Bagh
New Delhi.

R/o 409F, Janak Park
Harinagar, New Delhi.

5. Dr. Bharat Kumar Aggarwal
S/o Shri Krishan Kumar
Medical Officer
North Zone, Shalimar Bagh
New Delhi.

R/o A-2/21, Janakpuri
New Delhi - 110 058.

6. Dr. Anita Gupta
Medical Officer
North Zone, Shalimar Bagh,
New Delhi.

R/o 24/14 GF, Old Rajinder Nagar
New Delhi - 110 060.

7. Dr. Archana Prakash
W/o Shri Vijay Prakash
Medical Officer
South Central Zone
Begumpur, New Delhi.

R/o 1-095, Phase II
Harinagar, New Delhi.

Dr. Pradeep
S/o Shri
Medical Officer

10
R/o S-13, Tara Apartments
New Delhi - 110 019

8. Dr. Supriya Kumari
W/o Dr. Ravi Jaiswal
Medical Officer
South Central Zone
Begumpur
New Delhi

R/o 134, Doctors' Hostel No. II
West Kidwai Nagar
New Delhi.

9. Dr. Anuja Vasudeva
W/o Dr. Suraj Prakash
Medical Officer
South Central Zone
Begumpur, New Delhi.
R/o L-5, Green Park, N. Delhi-16.

10. Dr. Indrani Mandal
W/o Dr. S. Mandal
Medical Officer
South Zone, Mobile Health Scheme.

R/o I-1907, C.R. Park
New Delhi - 19.

11. Dr. T. Anuradha
W/o Shri Sunil Khairnar
Medical Officer
Chirag Delhi Dispensary
New Delhi
R/o 14-D, DDA Flats, Munirka, N.D-67.

12. Dr. Ajanta Basu Das
W/o Shri M.K. Das
Medical Officer
Begumpur Dispensary
New Delhi.

R/o 36-A, Vijay Mandal Enclave
Sarvapriya Vihar, New Delhi - 16.

13. Dr. Alka Shrivastava
W/o Dr. Vivek Sharma
Medical Officer
Mobile Health Scheme
South Zone, Ber Sarai
New Delhi.

R/o E-36, Saket
New Delhi - 110 017.

14. Dr. Dushyant Mittal
S/o Shri R.K. Mittal
Medical Officer
DA Dispensary
Dakshinpuri, New Delhi.

R/o 11/273, DDA Flats
Ambedkar Nagar, New Delhi - 62.

W/o Shri M.K. Das
Medical Officer

Begumpur Dispensary

New Delhi

R/o 36-A

Vijay Mandal

Sarvapriya Vihar

New Delhi - 16.

R/o 134

Doctors' Hostel

No. II

West Kidwai Nagar

New Delhi.

15. Dr. Indu Saikia
S/o Shri K.N. Saikia
Medical Officer
West Zone
A-II Block, Paschim Vihar
Delhi - 63.

R/o GH1/64, Archana ppts.
Paschim Vihar
Delhi - 63.

16. Dr. Geeta Dada
W/o Dr. Tajuji Dada
Medical Officer
Malviya Nagar Hospital
New Delhi - 17.

R/o CI/3, AIIMS Campus
New Delhi - 29.

17. Dr. Devalina Sikdar
W/o Dr. S.K. Sikdar
Medical Officer
JNU Health Centre
South Central Zone, New Delhi.

R/o 843, Laxmi Bai Nagar
New Delhi - 23.

18. Dr. Neeta Singla
W/o Shri Anil Goel
Medical Officer
South Central Zone, New Delhi.

R/o 3140, Sector B-4
Vasant Kunj,
New Delhi - 70.

19. Dr. Armodina R. Sangma
W/o Dr. Sandip Deb
Sunlight Colony Dispensary
New Delhi.

R/o D-007, Pragati Vihar Hostel
Lodhi Road,
New Delhi - 23.

20. Dr. Manoj Kumar Gupta
S/o Shri G.P. Gupta
Medical Officer
North Zone
Shalimar Bagh
New Delhi - 52.

R/o C-187, Vikas Puri
New Delhi - 110018.

21. Dr. Ganesh Adhikari
S/o Shri N.S. Adhikari
Medical Officer
DA Dispensary
A-2, Paschim Vihar
New Delhi - 63.

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22. Dr. Anuradha Singh
D/o Maj. Gen (Retd) J.C. Bhatla
Medical Officer
Jhawda Kalan Dispensary
A-2, Paschim Vihar
New Delhi - 63.

R/o D-10, Patel Garden
Najafgarh Road
New Delhi - 59.
23. Dr. Jasvinder Kaur
W/o Mr. Gurjeet Saini
Medical Officer
Rawata DA Dispensary
A-2, Paschim Vihar
New Delhi - 70.

R/o D6/4068, Vasant Kunj
New Delhi - 70.
24. Dr. Sarojini Anita Kujur
W/o Dr. Ananta Kumar Naik
Medical Officer, DAD Sultanpuri
New Delhi - 63.

R/o Room No.47, Doctors' Hostel-I
Safdarjung Hospital
New Delhi - 29.
25. Dr. Ashish Arora
S/o late Shri Raj Kumar
Medical Officer
Mayapuri DAD Dispensary
Paschim Vihar, Delhi.

R/o 1184/7, Maiwala St.
Karol Bagh,
New Delhi - 60.
26. Dr. Deepmala Kaul
W/o Dr. Prakash Lalchandani
Medical Officer
Guru Gobind Singh Hospital
Delhi

R/o 19-C, DDA (SFS) Flats
Mayapuri Road
New Delhi - 64.
27. Dr. Archana Kaushik
W/o Dr. Sanjay Kaushik
Medical Officer
Vikaspuri DAD Dispensary

R/o A-3/12, Janakpuri
New Delhi - 58.
28. Dr. Vandana Malhotra
W/o Shri B. B. Malhotra
Medical Officer
Guru Gobind Singh Hospital
Delhi.

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R/o D-II/29, Ansari Nagar
New Delhi - 29.

29. Dr. Supriya R. Deshpande
W/o Dr. Sudhir Kumar
Medical Officer
North Zone
Sha Bagh, New Delhi.

R/o 30/37, Old Rajinder Nagar
Delhi - 60.

30. Dr. Shyamla Sinha
W/o Dr. Rajiv Ranjan Kumar
Medical Officer
South Central Zone
Delhi.

R/o Doctors' Hostel No.2/188
Safdarjung Hospital
New Delhi - 23.

31. Dr. Namita Kumari
W/o Dr. Sudhir Kumar Majhi
Medical Officer
South Central Zone
Delhi.

R/o Doctors' Hostel No. 2/137
Safdarjung Hospital
New Delhi.

32. Dr. Deepa Rai
W/o Dr. Navin Chander
Medical Officer
South Central Zone
Begumpur, New Delhi.

R/o 1-A Masjid Moth
(Opp. Neeti Bagh)
New Delhi.

33. Dr. Seema Konwar
W/o Dr. M.K. Soikia
Medical Officer
South Central Zone

R/o Room No. 430
Resident Doctors' Hostel
AIIMS, Masjid Moth,
NDSE-II, New Delhi - 49.

34. Dr. Ashok Dua
S/o Shri R.P. Dua
Medical Officer
North Zone
Shalimar bagh
New Delhi

R/o 69, New Laxmi Pur Colony
Near Krishna Nagar
Delhi - 51.

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35. Dr. Bhavila R. Anand
W/o Shri Sanjeev Anand
Medical Officer
Patel Nagar Hospital
New Delhi.
R/o 3/2 Palika Nikunj
Telegraph Lane
Janpath, New Delhi.
36. Dr. Kavita
W/o Dr. S.K. Choudhary
Medical Officer
Health Centre, Sarai Kalekhan
New Delhi.
R/o 307, Sector-37
Faridabad (HARYANA).
37. Dr. Indupal Singh Sahni
S/o Mr. Prit Pal Singh Sahni
Medical Officer
South Central Zone
New Delhi.
R/o 1439, Gopal St.
Sangat Rahan
Paharganj, Delhi - 17.
38. Dr. Vinita Jayaswal
W/o Dr. K.K. Choudhary
Medical Officer
LNJP Hospital
New Delhi.
R/o 44, Videsh Sanchar Enclave
Greater Kailash-I
New Delhi - 48.
39. Dr. Harinder Sahni
W/o Dr. Rakesh
Medical Officer
LNJP Hospital
R/o 1439, Gopal Street
Sangatroshan
Paharganj
New Delhi - 55.

OA 991/2001

1. Dr. Nivedita Prasad
W/o Dr. Ramesh Kumar
Medical Officer
Central Jail, Tihar
New Delhi.
R/o B-320, Pragati Vihar Hostel
Lodhi Road
New Delhi.
2. Dr. Karuna Singh
W/o Shri Nem Singh
Medical Officer
Central Jail, Tihar,
New Delhi.

R

R/o A-1035-36, G.D.Colony.
Mayur Vihar, Phase-III
Delhi - 110 096.

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3. Dr. Monica Sharma
W/o Shri B.B.Barnawal
Medical Officer
Central Jail, Tihar
New Delhi.
R/o A-27, New Krishna Park
Vikaspuri, New Delhi - 110 018.

4. Dr. Taramati Alda
W/o Shri K.K.Jamuda
Medical Officer
Central Jail, Tihar
New Delhi.
R/o A-19/T1, Dilshad Garden
G.T.Road
Delhi - 110 095.

...Applicants

(By Advocate Shri K.N.R.Pillai)

V E R S U S

GOVT. OF DELHI : THROUGH

1. Secretary (Medical)
Deptt. of Health & Family Welfare
Delhi Secretariat (Players Bldg.)
I.G. Indoor Stadium
New Delhi.
2. The Director of Health Services (Delhi)
E-Block, Saraswati Bhawan
Connaught Place
New Delhi.

...Respondents

(By Advocate Shri Harvir Singh in
OA 862/2001 and OA 2640/2000,
Shri Rajender Pandita in OA 142/2001
and Shri George Paracken in OA 991/2001)

O R D E R (ORAL)

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

We have heard learned counsel for the parties
in the aforesaid four cases.

2. Learned counsel for the parties have
submitted that the relevant facts and issues raised in
the aforesaid four OAs are similar. Accordingly, they
have been heard together and are being disposed of by
a common order.

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

3. The claims of the applicants in the above cases are based on the principles laid down by the Hon'ble Supreme Court in Dr. (Mrs.) Sangeeta Narang & Ors. Vs. Delhi Administration & Ors. (ATR 1988 (1) CAT 556). This has been followed by the Tribunal (PB) in a number of cases, most notable of which is Dr. J.P. Palia & Ors. Vs. Govt. of NCT of Delhi (OA 2164/97 decided on 23-4-1998 with connected matters), in which one of us (Smt. Lakshmi Swaminathan, VC (J) was also a Member). This has also been upheld by the Hon'ble Delhi High Court and the Supreme Court and has, therefore, become final and binding. Thereafter, the judgement of the Tribunal in Dr. J.P. Palia's case (supra) has been followed in a catena of judgements by the Tribunal. Admittedly, the facts and issues raised in the aforesaid four applications are similar to the facts and issues raised in Dr. Sangeeta Narang's case (supra) and Dr. J.P. Palia's case (supra).

4. In the circumstances, the aforesaid judgements of the Tribunal, which have been upheld by the Supreme Court, are fully applicable to the present cases. Shri Rajinder Pandita, learned counsel, has also submitted an order issued by the Govt. of NCT of Delhi dated 25-7-2001, copy placed on record. In this order, the respondents have stated, inter alia, that the judgements in OA 2108/99 filed by Dr. Aparna Sehgal & Ors. Vs. Govt. of NCT of Delhi, decided on 8-5-2000, which has in turn followed the aforesaid judgements of the Supreme Court and the Tribunal, are to be implemented to avoid infructuous litigations within the period of 15 days. It was further stated

that this decision of the respondents will be brought to the notice of the Tribunal in all pending cases.

5. In the light of what has been stated above, the applications are allowed and are accordingly disposed of with the following directions :-

The respondents to continue the services of the applicants till regular appointments are made in accordance with the Law and Rules. The applicants shall be treated to have continued their services from the date of their first appointment, ignoring the artificial breaks of one or two days in their service. They are also directed to grant age relaxation to the applicants, wherever necessary, to the extent of their services put in by them on contract basis, wherever they applied for regular appointments. The applicants shall also be granted the same scale of pay, allowances, leave, increments, medical facilities and other benefits of service conditions, as applicable to Medical Officers who have been appointed on regular basis from the dates of their initial appointments. Such other directions given in the aforesaid orders which are applicable to the applicants shall also be implemented by the respondents. No order as to costs.

6. Let a copy of this order be placed in each of the above cases, namely, OA 142/2001, OA 2640/2000, OA 991/2001.

(Govindan S. Tampi)
Member (A)

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

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Court Offices

Central Administrative Tribunal

Principal Bench, New Delhi

Faridkot House,

Copernicus Marg,

New Delhi 110002