

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO. 2564/1999

Hon'ble Shri Justice V. Rajagopala, Reddy  
Hon'ble Shri Govindan S. Tampi, Member (A)

New Delhi this the 14th November 2000

Dr. Rajendra Kumar Govila  
M.G.Govila R/O F-98,  
Ashok Vihar Phase-I,  
Delhi-11052

Applicant  
(By Sh. Baljeet Singh, Advocate  
counsel with Sh. Mukul Tripathi, Advocates)  
Vs

1. The Secretary (Medical) 5, Sham Nath Marg, Delhi
2. Director of Health Services,  
Government of NCT of Delhi E-Block,  
Saraswati Bhawan, Connaught Place, Delhi  
.....Respondents  
(By Shri Rajinder Pandita, Advocate)

ORDER (ORAL)

v. Rajagopala Reddy, VC(J)

Heard the counsel for applicant and  
the Respondents.

2. The applicant herein is a qualified medical Doctor who has been appointed by the Government of NCT Delhi, 2nd Respondent herein, to work in the Hospitals maintained by Govt. as a Medical Officer, on 12.6.97 for a brief period of 6 months on a consolidated pay of Rs. 6,000/- . He filed a representation on 2.12.97 seeking to continue him on contract basis as there were number of vacancies of MOs in the hospitals. The representation was not responded. Meanwhile he was discontinued wef 23.12.97. dismissed. On 5.5.95 his representation was disposed of by

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rejecting the request for continuance in the post. The present OA is therefore filed seeking re-engagement as MO on contract basis in Delhi Government until he was replaced by a M.O. appointed on regular basis and that also for pay and allowances as are paid to the regular MOs.

3. The learned counsel for the respondents vehemently contends that OA is barred by limitation, since the applicant has been dis-engaged on 23.12.97 which is about 2 years before the present OA was filed. He also submits that the applicant having been appointed only on contract basis has no right to continue in service that too with payment of pay and allowance of a regular MO. It is also argued that there is no vacancy and whatever vacancies which have arisen have been filled by the Govt. through UPSC as per rules.

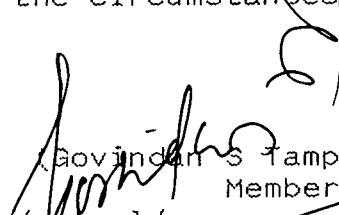
4. We have given careful consideration to the plea of the applicant. In our view, this case is squarely covered by the judgement in Sangita Narang and Others Vs Delhi Administration and others 1988(6) ATC 405 by the Delhi High Court, which has been confirmed by the Supreme Court. In those cases Doctors were appointed on contract basis for a brief period were directed to be continued till the appointment of regular doctors. But in this case the question of limitation was raised which has to be examined. It is not controverted that the applicant was engaged only for 6 months from

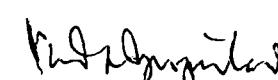
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12.6.97. But since he represented on 2.12.97, seeking continuance which has not been disposed, his earlier OA was disposed of by the Tribunal asking the respondents to dispose the representation within 3 months. The said representation was ultimately rejected on 8.6.99 which is under challenge in this O.A. Thus we find that the OA cannot be said to be barred by limitation. He filed present OA on 1.12.99 which is within limitation. It is also true that the applicant was already disengaged and is now seeking re-engagement. But the delay in this question is only attributable to the respondents. Under the circumstance the contention of the counsel of respondents as to limitation is rejected.

5. On the merits of the case, we are convinced that the applicant is entitled for all the benefits in terms of Dr. Sangita Narang case.

6. The OA is allowed. The Respondent shall engage the applicant within one month from the date of receipt of a copy of this order, as MO in any of the hospitals maintained by the Government with regular pay and allowances as are being paid to the regular doctors till he is replaced by the regularly appointed doctors. In the circumstances we do not order cost.

  
Govindan S Tampli  
Member (A)  
patwal/

  
(V. Rajagopala Reddy)  
VC (J)