

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 1224 of 1998

New Delhi, this the 17th day of September, 1998

Hon'ble Mr. N. Sahu, Member(Admnv)
Hon'ble Dr. A. Vedavalli, Member(J)

(A)

Dr. Poonam Taneja, aged 31 years, W/o
Dr. Narinder Taneja, Medical Officer,
Directorate of Health Service, N.C.T.
of Delhi, R/o 12, E.S.I. Complex, New
Delhi-110015.

-APPLICANT

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

Versus

1. Govt. of NCT of Delhi through
the Secretary (Medical) 5, Shamnath
Marg, Delhi-110054.

2. The Director of Health Services
(Delhi) E-Block, Saraswati Bhavan,
Connaught Place, New Delhi.

-RESPONDENTS

(By Advocate Shri Rajinder Pandita)

O R D E R (Oral)

By Mr. N. Sahu, Member(Admnv) :-

The prayer in this Original Application (in short 'OA') is for a direction to the respondents to the effect that the applicant be granted the same pay scale and allowances and also the same benefits of service conditions, as are admissible to Medical Officers appointed on regular basis notwithstanding the temporary breaks. Relief No.2 is not pressed and an endorsement to that effect has been made today by the learned counsel for the applicant on the petition. The next relief claimed is that if the applicant applies to Union Public Service Commission (in short 'UPSC') for regular recruitment, she should be given age relaxation to the extent of the service put in by her on adhoc/ contract basis.

Reserve

2. We have heard the learned counsel for the parties. We are informed by the learned counsel for the applicant that these very contentions were raised in the case of Dr. J.P. Palyia & ors Vs. Govt. of NCT of Delhi & others, O.A. 2564/97 and other connected cases, before a coordinate bench of this Court and by orders of the Bench dated 23.4.1998 the applicants' claims were allowed to prevail and the OAs were also allowed. The operative portion of the order is as under -

13. In the result, the aforesaid O.As are allowed. The respondents shall grant the applicants the same pay scale and allowances and also the same benefits of leave, increment on completion of one year, maternity leave and other benefits of service conditions, as are admissible to Medical Officers appointed on regular basis in the corresponding pay scales. Notwithstanding the break of one or two days in service stipulated in their contract, they shall be deemed to have continued in service from the date of their first appointment till regular appointments are made by the respondents to these posts in accordance with the extant rules and instructions. In the circumstances of the case, respondents shall also consider giving age relaxation to the applicants in accordance with the rules, if they are candidates before UPSC for regular appointment, to the extent of the number of years of service they have rendered on contract/ ad hoc basis.

3. This matter was taken up before the Hon'ble High Court of Delhi in Civil Writ Petitions Nos. 3641 to 3646, 3649, 3650 and 3659 of 1998 and by their order, dated 11.9.1998 the Hon'ble High Court dismissed the Civil Writ Petitions. This matter also came up for consideration before Court No. 1 in O.A. No. 1126 of 1998 Dr. Madhulika Gupta Vs. Govt. of NCT of Delhi and by its order dated 3.9.1988 the OA

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was also allowed. The reliefs allowed in the OA are in material terms similar to the reliefs claimed and allowed in OA 2564/97 along with other OAs. (b)

4. The contentions of the learned counsel for the respondents were discussed and refuted in the case of Dr. J.P. Palyia (supra) on merits. The learned counsel for the respondents cited a decision of Hon'ble Supreme Court in the case of Allahabad Bank vs. Prem Singh, JT 1996(7) SC 678. We noticed that this case was discussed and distinguished at paras 3 and 4 of the order in the case of Dr. Madhulika Gupta (supra). As the order of the coordinate Bench dated 23.4.1998 in the case of Dr. J.P. Palyia (supra) was affirmed by the Hon'ble High Court, we do not consider it necessary to repeat the contentions and the reasons for rejecting those contentions.

5. In the circumstances of the case, we allow this OA. We direct the respondents to grant the applicant the same pay scale and allowances as also the same benefits of leave, increment on completion of one year, maternity leave, and other benefits as are admissible to Medical Officers appointed on regular basis in the corresponding pay scales. Even if there is a nominal break of a day or two in the continuity of the service, the applicant shall be deemed to have continued in service from the date of her first appointment till regular appointment is made by the respondents in accordance with the existing rules. Finally, the respondents shall also consider age relaxation to the applicant in

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accordance with any discretion that is existing in the rules, if she is a candidate before UPSC for regular appointment, to the extent of the number of years of service she has rendered on contract/adhoc basis. The respondents shall implement this order within a period of 16 weeks from the date of receipt of a copy of this order. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

N. Sahu

(N. Sahu)
Member (Admnv)

rkv.