

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 147/98  
OA No. 148/98  
OA No. 149/98  
OA No. 593/98

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New Delhi this the 18th day of November 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)  
Hon'ble Mrs. Shanta Shastry, Member (A)

OA No. 147/98

1. Dr. Namita Khattar,  
W/o Shri B.B. Khattar  
R/o 1/13, Gita Colony,  
Delhi-110 031.
2. Dr. Angebeen Kashfi  
W/o Shri Mumtaz Ahmed  
R/o 167, Zakir Bagh  
Okhla Road, New Delhi.
3. Dr. Arun Gupta  
S/o Shri R.C. Gupta,  
R/o C-36, Shakti Nagar Ext.  
Delhi-110 052.
4. Dr. Sudha Gupta,  
W/o Dr. Arun Gupta,  
R/o C-36,  
Shakti Nagar Extn.  
Delhi-110 052
5. Dr. Harvinder Singh Chauhan,  
S/o Late Shri Umed Singh,  
R/o C-71, Ashok Vihar Ph.I,  
Delhi-10 052.

...Applicants

Versus

1. Govt. of NCT of Delhi through  
The Secretary (Medical)  
5, Sham Nath Marg,  
Delhi- 110 054
2. The Director of Health Service (Delhi)  
E-Block, Sarswati Bhavan,  
Connaught Place,  
New Delhi.

...Respondents

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OA- 148/98

Dr. Anjali Patnaik,  
W/o Dr. A.S.N. Rao,  
R/o 252, Laxmi Bai Nagar,  
New Delhi-110 023.

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...Applicant

Versus

1. Govt. of NCT of Delhi- through;  
  
The secretary (Medical)  
5, Sham Nath Marg,  
Delhi-110 054.
2. The director of Health Services (Delhi)  
E-Block, Saraswati Bhavan,  
Connaught Place,  
New Delhi.

...Respondents

OA No. 149/98

Dr. Sudha Sindhu  
W/o Wg. Commndr. V.P.S. Sindhu  
R/o F-56, Kalkaji  
New Delhi-110 019

...Applicant

Versus

1. Govt. of NCT of Delhi- through;  
  
The secretary (Medical)  
5, Sham Nath Marg,  
Delhi-110 054.
2. The director of Health Services (Delhi)  
E-Block, Saraswati Bhavan,  
Connaught Place, New Delhi.

...Respondents

OA No. 593/98

Dr. D.V. Sagar,  
S/o late Shri M.L. Sagar,  
R/o F-139/A, Laxmi Nagar,  
Delhi-110 092

...Applicant

Versus

1. Govt. of NCT of Delhi- through;  
  
The secretary (Medical)  
5, Sham Nath Marg,  
Delhi-110 054.
2. The director of Health Services (Delhi)  
E-Block, Saraswati Bhavan,  
Connaught Place,  
New Delhi.

...Respondents

(All the applicants through Advocate Shri K.N.R. Pillai)

(All the respondents through Advocate Shri Rajinder Pandita)

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ORDER (Oral)

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By Reddy, J.-

Heard the counsel for the applicants and the respondents.

2. The applicants who are Doctors have been appointed by the NCT of Delhi in various hospitals, on contract basis for a specific period and admittedly the period expired on 23.12.97. The present OA is filed by them seeking continuance till regular appointments have been made through the UPSC according to the rules. Learned counsel places reliance upon judgments of the Principal Bench in OA-2985/97 and Batch dated 17.8.98 and OA-848/98 dated 9.2.99, where the principal Bench has allowed the OAs. In OA-848/98 respondents were directed to re-engage the applicant therein, as before and to pay the benefits as are admissible to the regularly appointed incumbents. Learned counsel for respondents, however, submits that the contract of engagement having been expired as back as in December 1997 the applicants cannot seek continuance in the posts and that they have neither constitutional nor statutory right for re-engagement.

3. It is true that in the above judgments relied upon by the counsel for applicants not only the Doctors who have been continuing in pursuance of the contract but also the doctors whose period of contract expired, were given the benefit of continuation/re-engagement, in terms in which the regular Doctors were appointed, until the regular appointments are made by the UPSC. Learned counsel for applicants, however, brings to our notice the

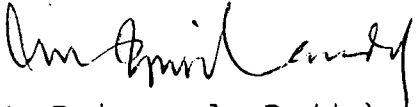
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Public Notice dated 10.8.99 issued by the NCT of Delhi, inviting applications for Junior Specialists in various Hospitals under the Govt. of NCT of Delhi. It is, therefore, contended by the learned counsel for applicants that there are number of vacancies in the Hospitals in which the applicants can be re-engaged instead of fresh candidates.

4. Though the applicants have filed the OA soon after the expiry of their contract on 9.1.98 it is now about 2 years since the period of contract has expired and since then they have been out of service. It is indisputable that the applicants have no right to continue after the contract period expired. Now the Government has decided to fill up the posts on adhoc basis and an advertisement has already been issued, we direct the respondents if the applicants apply within 10 days from today, to consider their case for appointment till regular appointments are made, if the applicants are within the age limit as prescribed in the notice dated 10.8.99 and otherwise eligible. The last date shown in this notice should be extended in favour of the applicants as stated supra for a period of 10 days from today. Respondents should consider the case of the applicants on preferential basis over others since they have already been working in the Hospitals.

5. All the four OAs are accordingly disposed of. No costs.

  
(Mrs. Shanta Shastri)  
Member (A)

  
(V. Rajagopala Reddy)  
Vice-Chairman (J)

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