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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1986 of 1998

New Delhi: this the 26th day of April, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Mr. Om Prakash Arya,
S/o Shri Babu Ram,
R/o 2/7, Sector-I,
Pushp Vihar,
New Delhi -17

..... Applicant.

(By Advocate: Shri Vijay Zaveri).

Versus

1. Union of India,
through the Secretary,
Govt. of India,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi..11

2. The Director General of Health
Services,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi-11.

3. The Deputy Director General (TB),
Directorate General of Health Services,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi ...11

..... Respondents.

(By Advocate: Shri VSR Krishna)

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' order dated 16.4.98 (Annexure-P-1) and seeks a direction that he is entitled to continue as a regular employee.

2. Applicant does not deny in rejoinder, respondents' assertions in para 4 (1 & 2) of their reply that he was hired purely on contractual basis for a period of six months w.e.f. 4.8.94 out of SIDA Assistance for pilot project Phase I,

and thereafter his services continued to be engaged on contract basis.

3. Respondents' counsel has invited our attention to the Tribunal's dated 7.12.98 in OA No.1044/98 Ms. Anita K. Bhambhani & Anr. Vs. UOI & ors. in which the claim of those applicants who were identically placed as the present applicant as Secretarial Assistants (DGHS's order dated 19.12.97 at page 44 of the OA refers) for being entitled to continue on their respective posts as regular employees was dismissed.

4. We as a co-ordinate Bench are bound by the aforesaid order dated 7.12.98.

5. Applicant's counsel has relied upon the Hon'ble Supreme Court's ruling in J.M. Puthuparambil & Ors. Vs. Kerala Water Authority & Ors. AIR 1990 SCC 2228, but applicant admittedly being a purely contractual employee, the aforesaid ruling is not relevant to the facts and circumstances of the present case.

6. The OA is dismissed. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A).

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