

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI.

OA 35/98

WITH

OA 36/98

New Delhi, this the 19th day of May, 1998

Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Hon'ble Sh. K. Muthukumar, Member (A)

OA 35/98

Dr. Vinita Tyagi, aged 27 years,
D/O Shri M.S. Tyagi, Medical
Officer, Directorate of Health
Services, N.C.T. of Delhi.
R/O 52/25, Old Rajinder Nagar,
New Delhi - 110 060.

--APPLICANT.

(By Advocate Sh. K N R Pillai)

Versus

1. Govt. of N.C.T. of Delhi,
through The Secretary
(Medical), 5 Shamnath Marg,
Delhi - 110 054.
2. The Director of Health
Services (Delhi), E Block,
Saraswati Bhavan, Connaught
Place, New Delhi.

--RESPONDENTS.

(By Advocate -Sh. Vijay Pandita)

OA 36/98

1. Dr. Devi Ram, age 34 years,
S/O Sh. Rattan Lal, Medical
Officer, Directorate of
Health Services, N.C.T. of
Delhi.
R/O Vill. & P.O. Aya
Nagar, New Delhi - 110 047.
2. Dr. Renu Chaudhary, age 28
years, D/O Dr. Ganga Ram,
Medical Officer, Directorate
of Health Services, N.C.T.
of Delhi.
R/O 155, F-17, Sector-8,
Rohini, Delhi - 110 085.

--APPLICANTS.

Versus

1. Govt. of N.C.T. of Delhi,
through The Secretary
(Medical), 5 Shamnath Marg,
Delhi - 110 054.

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

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--RESPONDENTS.

(By Advocate -Sh. Rajinder Pandita)

O R D E R (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

With the consent of the learned counsel for the parties the two OAs 35/98 and 36/98 are taken up together for hearing as they raise similar issues, and are accordingly being disposed of by this common order.

2. For the sake of convenience, the facts in OA 36/98 have been referred to. The applicant is aggrieved by the inaction of the respondents in not granting her continuity of service as Medical Officer. She had been initially appointed on ad hoc basis as doctor on a consolidated salary of Rs. 6,000/- for a period of one year w.e.f. 9.1.1997. Sh. Pillai, learned counsel for applicant, has submitted that by virtue of the interim order passed by the Tribunal dated 5.1.1998, the applicant is continuing in service till date. He relies on the judgement of the Tribunal in the case of Dr. J P Palia & Others Vs. Govt. of NCT & Others, (OA 2564/97 with connected OAs) decided on 23.4.1998 and prays for similar reliefs, namely, that the applicant should be granted the same pay scale and allowances and other service benefits as are admissible to Medical Officers who are appointed on regular basis; discount any artificial break-in-service; ¹³and continue her in service till the appointment of other Medical Officers on regular

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basis in accordance with the relevant rules and consideration for age relaxation to the extent of her ad hoc service.

3. We have considered the reply filed by the respondents and have also heard Sh. Vijay Pandita and Sh. Rajinder Pandita, learned counsel for respondents.

4. The respondents do not seriously dispute the fact that the facts and circumstances of the present cases are in all fours with the facts in Dr. J P Palia's case (Supra). Therefore, in the circumstances of the case and for the reasons given in that judgement, these applications, namely, OAs 35 and 36 of 1998 are allowed with the following directions:-

a) The respondents shall grant the applicants the same pay scale and allowances and other service benefits, like, leave, increment on completion of one year and other benefits of service conditions/ as are admissible to Medical Officers who are appointed on regular basis in the corresponding pay scales.

b) The artificial break of one or two days in service, if any, during the contract period, shall be ignored and they shall be deemed to have continued in service from the date of their first appointment till regular appointments are made by the respondents in accordance with the

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relevant rules/ 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 the
UPSC for regular appointment, to the
extent of the number of years of service
they have rendered on contract/ ad hoc
basis.

- c) The above directions shall be implemented
within three months from the date of
receipt of a copy of this order.

No order as to costs.

5. Let a copy of this order be kept in OA 36/98
also.


(K Muthukumar)
Member (A)


(Mrs. Lakshmi Swaminathan)
Member (J)

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