

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 37/1998

New Delhi this the 8th day of October, 1998.

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

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

(21)

In the matter of

Dr. Swati Kulkarni
W/O Shri V.A. Kulkarni
Ex-Medical Officer,
Directorate of Health Services,
NCT of Delhi
R/O 19, Vigyan Lok,
New Delhi-92

.. Applicant

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

Vs.

Govt. of NCT of Delhi-through :

1. The Secretary (Medical)
5, Shamnath Marg,
Delhi-54.
2. The Director of Health Services, Delhi
E-Block, Saraswati Bhawan,
Connaught Place, New Delhi.

.. Respondents

(By Advocate Shri Vijay Pandita)

ORDER (ORAL)

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

The applicant was appointed on contract basis for one year as Medical Officer with the respondents w.e.f. 13.5.96. She worked upto 11.3.1997. Thereafter, she had proceeded on maternity leave. Shri Vijay Pandita, learned counsel for the respondents has drawn our attention to the representation made by the applicant on 18.5.98 which is annexed to the rejoinder in which details have been given that she had to proceed on maternity leave to Bhopal and would be returning to Delhi on 26.6.97. In this representation, she has also submitted that in other similar cases of Dr. Anita Pathrolia and Dr. Madhulika Gupta, who had proceeded on similar medical leave they have been allowed to join duty on their return, to complete the balance period of contract of one year. She has, therefore, submitted that she may be allowed to rejoin her duty.

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Shri Vijay Pandita, learned counsel for the respondents submits that this representation has been made by the applicant after the OA has been filed on 1.5.1998.

2. In addition to the above representation, we note that in the OA the applicant has made submissions and sought prayer for a direction to the respondents as had been given in the case of Dr. (Mrs. Sangeeta Narang and Others Vs. Delhi Administration and Ors. (ATR 1988(1) CAT 566). This case has been followed in a number of other decisions of the Tribunal in Dr. J.P. Palyia and Others Vs. Govt. of NCT of Delhi and others (OA. 2564/97 with other connected cases) which have been decided on 23.4.1998. We are informed that the decision in this case has been upheld by the Hon'ble Delhi High Court in Civil Writ Petition No. 3641 of 1998 with other connected cases- Government of National Capital Territory of Delhi and Others Vs. V.S. Chauhan by order dated 11.9.1998, (copy of these judgements are placed on record).

3. In the above facts and circumstances of the case, this OA is disposed of with a direction to the respondents to consider the applicant's representation dated 18.5.98 together with averments made in this OA, taking into consideration the relevant decisions, including the decisions of the Tribunal and Delhi High Court referred to above. Necessary action shall be taken within a period of two months from the date of receipt of a copy of this order which shall be intimated to the applicant.

No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

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