

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

10

OA No. 848/98
with
OA 927/98

New Delhi, this the 9th day of February, 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)

HON'BLE SHRI S.P. BISWAS, MEMBER (A)

OA No. 848/98

Dr. Zarina Sarojini Pereira.
D/o late Gerald Pereira.
C-350, Albert Square.
Gole Market, New Delhi.

...Applicant

(By Advocate: Shri S.K. Sinha)

Versus

1. Government of NCT of Delhi through
The Secretary (Medical)
5. Shannath Marg.
Delhi.

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

...Respondents

(By Advocate: Shri Vijay Pandita)

OA No. 927/98

Dr. Savita Singh
w/o Shri A.K. Rana.
R/o B-1, Kanti Nagar.
Delhi - 110 051.

...Applicant

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

Versus

1. Government of NCT of Delhi through
The Secretary (Medical)
5. Shannath Marg.
Delhi.

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

...Respondents

(By Advocate: Shri Vijay Pandita)

1/2/99

ORDER

delivered by Hon'ble Shri T.N.Bhat, Member (J)

(11)

1. We have heard Shri S.K. Sinha, counsel for applicant in OA No. 848/98; Shri K.N.R. Pillai, counsel for applicant in OA No. 927/98 and Shri Vijay Pandita appearing on behalf of the respondents in both these OAs.

2. Since identical questions are involved in both these OAs, these are being taken up together and are being disposed of by this common judgement.

3. The applicant in OA 848/98 was appointed as a Medical Officer in Delhi Administration admittedly on contract basis sometime in the year 1997. She continued to work till 12th December, 1997. She was again appointed on 15th December, 1997 and continued to work till 23rd Dec., 1997 whereafter her engagement was not continued.

4. As regards the other O.A. the applicant in that OA was appointed on 7.11.1997 and the term was come to an end on 6.5.1998 and after that she has continued to work and now her services are also proposed to be not extended.

5. Both the applicants in the OAs have now approached this Tribunal for their continuance as Medical Officer even if on contract basis. According to them, there are several vacancies of Medical Officers and there is need for appointing the applicants and others against those vacancies. The applicants have further claimed parity in pay with regularly appointed Medical Officers.

h/w

(12)

6. An identical question arose before our Bench as also another Bench of this Tribunal in OAs No. 2564/907, 2984/97, 2858/97, 2983/97, 2599/97, 2685/97, 2750/97, 114/98 and 115/98 which were disposed of by a common judgement on 23.4.1998. That Bench of the Tribunal allowed all the OAs and directed the New Delhi Administration to grant to the applicants in those OAs the same pay scales and allowances as 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. It was further directed that notwithstanding the break of one or two days in service as stipulated in their contracts of employment, 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. The respondents were also directed to consider giving age relaxation to the applicants in appropriate cases if they are candidates before the UPSC for regular appointment.

7. Learned counsel for the applicants in these OAs are relying upon the aforesaid judgement as also a judgement delivered by us in OAs No. 2985/97, 161/98 and 178/98 which were also disposed of by a common judgement. An identical order was passed in those cases also and we are told that the aforesaid judgement delivered by us has already been implemented by the Delhi Administration and no writ petition or SLP has been preferred against it.

Mr. ...

(3)

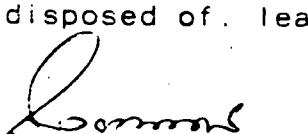
8. As regards the judgement of the other Bench referred to above the writ petition filed before the Hon'ble Delhi High Court has been dismissed vide judgement dated 11th September, 1998 and a further SLP before the Hon'ble Supreme Court has also been dismissed on 1st Feb., 1999.

9. In view of the above the relief claimed by the applicants in these OAs cannot be denied to them.

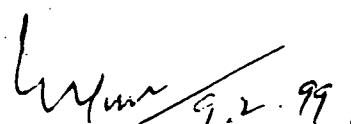
10. In the result both these OAs are allowed. The respondents are directed to continue the engagement of the applicant in OA No. 927/98 till work is available and till a regular incumbent is appointed against that post. The respondents are further directed to re-engage the applicant in OA 848/98 as before.

11. We further direct that the pay scales and other service benefits as are admissible to the regularly appointed incumbents shall also be given to the applicants so long as they continue to serve. In case the applicants apply for regular appointment the respondents shall consider granting them relaxation if permissible under the extant rules to the extent of the service put in by them on contract basis.

12. With the above order both these OAs are disposed of, leaving the parties to bear their own costs.


(S.P. Biswas)
Member (A)

na


(T.N. Bhat)
Member (J)