

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1593/95

New Delhi, this the 26th day of November, 1998

(19)

HON'BLE SHRI A.V.HARIDASAN, VICE-CHAIRMAN (J)
HON'BLE SHRI R.K.AHOOJA, MEMBER (A)

1. Mohd. Shahid Khan C-158A, Bhagirathi Vihar Yamuna Vihar Delhi.
2. Rajesh Kumar JG-3/140, Vikas Puri New Delhi.

--APPLICANTS.

(By Shri B.S.Charya, Advocate)

Vs.

1. Secretary (Medical) Public Health Department Government of National Capital Territory of Delhi 5, Sham Nath Marg Delhi.
2. Director G.B.Pant Hospital Jawaharlal Nehru Marg New Delhi.
3. Medical Superintendent G.B.Pant Hospital Jawaharlal Nehru Marg New Delhi.
4. Head of Departments of

- (a) Pathology
- (b) Biochemistry
- (c) Micro Biology

G.B.Pant Hospital, J.L.Marg New Delhi.

5. Government of National Capital Territory of Delhi 5, Alipur Road, Delhi (through its Chief Secretary) --RESPONDENTS.

(By Mrs. Avnish Ahlawat, Advocate)

O R D E R (Oral)

Hon'ble Shri R.K.Ahooja, Member(A):

The applicants were appointed on adhoc basis as Lab Assistant in G.P. Pant Hospital for 89 days. They claim that they have continued to work as such with artificial break. Their grievance is that the respondents have terminated their services without considering their case for regularisation. They have

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come before the Tribunal with a prayer that the order of termination dated 05.04.1995 (Annexure A-I) be quashed and the respondents be directed to regularise their services.

2. The respondents in their counter have stated that the appointment of the applicants, on ad hoc basis, was done without following the prescribed procedure. They further state that as per recruitment rules for the post of Lab Assistant, 25% posts are to be filled up by promotion and 75% posts are to be filled up by direct recruitment. They also state that for regular selection to the post of Lab Assistant, the interview letters were sent to Applicant No.2 but he did not appear in the interview, as such he was not selected.

3. We have heard Sh. B.S. Charya, learned counsel for applicant and Mrs. Avnish Ahlawat, learned counsel for respondents. Since the appointment of Applicant No.1 was not as per rules his claim for regularisation cannot be accepted. Sh. B.S. Charya, learned counsel for the applicant has submitted that Applicant No.1 would be satisfied if a direction is given to the respondents to consider the applicant for the post of Lab Assistant on preferential basis for re-engagement as well as for regular appointment. Learned counsel for the respondents states that the case of Applicant No.1 can be considered in accordance with the rules. As far as Applicant No.2 is concerned, she has submitted that his case has already been considered and an interview letter was also issued to him but as he did not attend the interview, he cannot make any claim for further consideration.

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4. We have considered the matter and we dispose of this OA with a direction to the respondents that in case they need to engage any person on ad hoc basis, they will consider the case of Applicant No.1 giving him preference on the basis of his period of employment. In case, Applicant No.1 applies for regular appointment in response to any notification issued by the respondents, they will also consider him as per the recruitment rules with a stipulation that he will be granted age relaxation to the extent of service rendered by him with the respondents on ad hoc basis.

5. The OA is disposed of as above. No costs.

~~R.K. Ahuja~~
(R.K. AHOOJA)
MEMBER (A)

~~[sunil]~~

~~A. V. Haridasan~~
(A.V. HARIDASAN)
VICE CHAIRMAN (J)