

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

DA 1648/96

New Delhi this the 24th day of August, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri K. Muthukumar, Member (A)

1. Ms. Kamlesh Gupta,
E-120, Amar Colony,
Lajpat Nagar-IV,
New Delhi-110024.

2. Sh. George Mathew,
147, Raj Nagar,
New Delhi-110029

... Applicants

(By Advocate Shri George Paracken)

Versus

1. Lt. Governor of Delhi, through
Joint Director (Admn.),
Directorate of Health Services,
Govt. of NCT of Delhi,
E-Block, Saraswati Bhawan,
New Delhi-110001.

2. PHC-Cum-Joint Director (M),
Govt. of N.C.T. of Delhi,
1, J.L. Nehru Marg, N/Delhi.

... Respondents

(None for the respondents)

ORDER (ORAL)

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

This case is listed at Serial No.4 in today's cause list as an expedited case in pursuance of the Hon'ble Acting Chairman's order dated 17.1.1997. Thereafter we notice that Shri Raj Singh, learned counsel for the respondents had appeared on 10.11.1997. However, none is present on behalf of the respondents today. In the circumstances, we have seen the pleadings of this case and heard Shri George Paracken, learned counsel for the applicants.

2. The short point in this case is that the applicants are aggrieved by non inclusion of their names for regularisation of their ad hoc services as Lab. Assistants by the impugned order dated 27.9.95, which ^{According to them is} has been done in respect of other similarly situated persons.

(2)

3. Learned counsel for the applicants has submitted that in the case of Applicant 1 she was appointed on ad hoc basis by the order dated 7.6.1975 on the same date; Applicant 2 had been appointed on ad hoc basis by the order dated 3.11.1976 w.e.f. 1.11.1976. He has drawn our attention to the tentative seniority list of Lab. Assistants dated 12.4.1994. He submits that as per the dates of appointment of the applicants on ad hoc basis as Lab. Assistants they ought to have been placed between Sl.No.26-27 in the case of applicants 1, i.e. between Mrs. Vanita Midha and Ms. Hemangini D. Dumre, and in the case of applicant No. 2 ~~between~~ between Mrs Alleyamma Thomas and Shri Tara Chand Saini, in accordance with their appointments on ad hoc basis. The grievance of the applicants is that this has not been done in the order dated 27.9.95. It is stated that in pursuance of the decision taken by the Joint Secretary (Medical) dated 28.8.95, the services of the Lab. Assistants who are working on ad hoc basis were regularised w.e.f. the dates of their initial appointment. Shri George Parackal, learned counsel also submits that persons junior to the applicants have since been promoted as Lab. Technicians, as evident from the tentative seniority list, while the applicants have been wrongly left out. He, therefore, prays that the names of the applicants should be included in the tentative seniority list as per their ^{due} position, and granted the same reliefs as were granted to the similarly situated persons.

4. In the reply filed by the respondents, they have, inter-alia, stated that ~~since~~ ^{in time} the service records, ACRs, Vigilance Reports, work and conduct reports of the applicants were not received from the Directorate of Health Services, ^{in time. They have also stated that} their ad hoc appointments along with other Lab. Assistants whose cases have been received by Tech. Recruitment Cell for regularisation of their ad hoc services will be regularised after placing their service records before the DPC and obtaining the approval of the competent authority, for which they have stated that an early action is being taken by the Tech. Recruitment Cell to collect service records from the

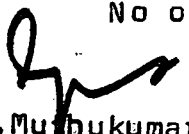
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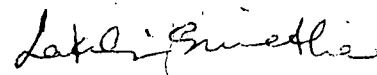
Directorate of Health Services. Reply has been filed on behalf of Respondents 1 and 2 on 26.11.96. In spite of that reply having been filed by the respondents on 26.11.96, nothing has been done by the Respondents and the applicants are still in the same position as they were at the time of filing of the reply.

5. In the above facts and circumstances of the case this OA succeeds and is allowed with the following directions:-

Respondents 1-2 to obtain necessary documents pertaining to the services of the applicants and place the same before the DPC for consideration for regularisation of their ad hoc services as has been done in the order dated 27.9.95 within two months from the date of receipt of a copy of this order. If the applicants are found eligible for such regularisation, they shall be entitled to the consequential benefits, including promotion to the post of Lab. Technicians in accordance with the relevant rules/instructions from the date their juniors were so entitled to.

No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

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