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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI.

O.A. No. 196/1996

Dated 25.1.1996

Hon'ble Shri N.V.Krishnan, Acting Chairman
Hon'ble Smt.Lakshmi Swaminathan, Member (J)

Mrs Sushma Bhagi,
13/27, Shakti Nagar,
Delhi-110007

... Applicant

(By Advocate Shri Jagat Arora with
Shri Sandeep Bhalla)

Vs.

1. Union of India through the Secy.
Ministry of Health, Nirman Bhawan,
New Delhi.
2. The Secretary,
Director General,
C.G.H.S. Nirman Bhawan,
New Delhi.
3. Mrs Neeraj Kalra,
Physiotherapist, Ram Manohar
Lohia Hospital,
New Delhi.
4. Medical Superintendent,
Safdarjung Hospital,
New Delhi.

... Respondents

O R D E R (ORAL)

(Hon'ble Shri N.V.Krishnan, Acting Chairman)

We have heard the learned counsel for the applicant. He has produced the Annexure-VIII seniority list which is the subject matter of the challenge.

That document shows/inter-se-seniority of Physiotherapists working in the Safdarjung Hospital and Dr.RML Hospital as on 1.12.1995. It is clear from the particulars given in the seniority list, that the criterion for assigning seniority is the date of

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appointment to the post of regular basis. The applicant, who is working as Physiotherapist in the Safdarjung Hospital, is shown to be regularly appointed in the seniority list on 2.4.1977 and, therefore, she was shown as junior to three others who were working on regular basis from earlier dates.

2. Learned counsel for the applicant points out that the applicant was appointed by the Ann. II order dated 9.9.76 w.e.f. 4.8.76 as Physiotherapist temporarily till further orders. Prior to this appointment order an offer of appointment was issued by the Ann. A.1 dated 29.7.76 which indicates that the appointment could be terminated at any time without assigning any reasons but giving one month's notice. He points out that in the Annexure-IV, seniority list of Physiotherapists of the Safdarjung Hospital, the applicant's seniority has been determined on the basis of the aforesaid date of appointment i.e. 4.8.76.

3. Subsequently, the combined seniority list was prepared for the Physiotherapist in the Safdarjung Hospital and Dr. R.M.L. Hospital (Ann. VIII) which shows inter-se-seniority list of applicant and others. Learned counsel for the applicant contends that in the Ann. VIII the date of regular appointment of the applicant should

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be shown as 4.8.76 and the seniority should be fixed on that basis. He submits that the period of service from 4-8-76 should have been taken into consideration while regularising her.

4. The date of regularisation of the applicant is 2-4-1977. She was regularised against the vacancy of Shri Vinod Kumar Malhotra w.e.f. 2.4.1977 by the Ann.III order dated 2.6.77. If the applicant has any grievance that for the purpose of regularisation, the temporary service should have been taken into account and she ought to have been regularised from 4.8.76, she should have agitated the matter well in time. Not having done so, that order of regularisation has become final and cannot be questioned before this Tribunal which has no jurisdiction in respect of grievances which arose before 1.11.1982.

5. There is no challenge to the preparation of a combined seniority list of Physiotherapists of both the Hospitals.

6. We are of the view that if the inter-se-seniority of Physiotherapists in both the hospitals is determined on the basis of regular appointment to that post, that principle cannot be assailed on any ground.

7. Therefore, we see no merit in the OA and accordingly it is dismissed at the admission stage itself.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

N.V.Krishnan
(N.V.Krishnan)
Acting Chairman

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