

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO. 985/1996

New Delhi this the 20th day of May, 1996.

HON'BLE SHRI JUSTICE A. P. RAVANI, CHAIRMAN  
HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

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1. Dr. Kapil Kochhar S/O Shri  
M. K. Kochhar,  
R/O E-16, Lajpat Nagar-3,  
New Delhi-110024.
2. Dr. Tushar Agarwal,  
S/O Dr. S. K. Agarwal,  
R/O 48, Guru Nanak Road,  
Civil Lines,  
Rampur (UP) 244901. ... Applicants

( By Shri R. Venkataramani, Advocate )

-Versus-

1. Government of National Capital  
Territory of Delhi through  
Secretary (Medical),  
5, Sham Nath Marg,  
Delhi-110007.
2. The Medical Superintendent,  
Lok Nayak Jaiprakash Narain  
Hospital,  
New Delhi - 2. ... Respondents

( By Shri Raj Singh, Advocate )

O R D E R (ORAL)

Shri Justice A. P. Ravani,

The applicants are Resident Doctors. They were appointed for one year tenure which <sup>was renewable</sup> ~~was~~ ~~extended~~ <sup>every year.</sup> for a maximum period of three years, vide order dated September 25, 1995. The applicants have challenged the legality and validity of three orders details of which are as follows :-

1. Order dated May 1, 1996 by which the applicants have been denied further extension;
2. Order dated April 17, 1996 by which it is directed that the applicants be not taken on

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duty till fresh orders are issued through competent authority; and

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3. Order dated April 20, 1996 by which it is directed that the order dated April 17, 1996 (i.e., the order at No.2 hereinabove) will remain in force until further review.

2. It is undisputed position that the appointment of the applicants was temporary on tenure basis as per the order dated September 25, 1995. The appointment was for one year renewable every year for a maximum period of three years subject to satisfactory service and good conduct certificates after each completed year from the Head of the Department concerned.

3. Even before the completion of one year's period, the impugned orders have been passed. It is an undisputed position that before passing the impugned orders the applicants have not been afforded an opportunity of being heard. In view of the settled legal position that no order adverse to the interest of <sup>other</sup> ~~either~~ side can be passed without affording an opportunity to the person concerned, all the three impugned orders are required to be quashed and set aside as being violative of principles of natural justice.

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4. In view of this position, we need not go into other rival contentions raised by the applicants.


5. In the result, the application is allowed. Impugned orders dated May 1, 1996 (Annexure-I), dated April 17, 1996 (Annexure-VI) and dated

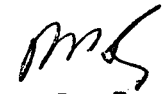
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April 20, 1996 (Annexure-VII) are quashed and set aside. No action pursuant to the aforesaid orders shall be taken and pursuant to the aforesaid impugned orders, the applicants shall not be restrained from performing their duties. Application stand disposed of accordingly.

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( K. Muthukumar )  
Member (A)

  
( A. P. Ravani )  
Chairman

/as/