

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

CP No. 164/99 In
OA No. 1585/97

and

CP No. 13/99 &
CP No. 172/99 In
OA No. 2552/97

New Delhi this the 29th day of October 1999

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VC (J)
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

CP-164/99 in
OA- 1585/97

1. Dr. Grijesh Kumar
S/o Shri L.C. Pepal
R/o 67-A Kundan Nagar,
P.O. Laxmi Nagar,
Delhi-110 092
2. Dr. Lalit Kumar Chauhan
S/o Shri S.R. Chauhan
R/o C-419, Gokulpuri,
Delhi-110 094.
3. Dr. Amit Kumar Mondal
S/o Shri Atul Krishna Mondal
R/o E-204, Plot No. 25,
Saraswati Kunj,
Patparganj,
Delhi-110 092.
4. Dr. Rajender Kr. Chopra,
S/o late Shri Dina Nath Chopra,
R/o 385, AGR Enclave,
Delhi.
5. Dr. Sukhvinder Kaur,
D/o Shri Sarwan Singh Mann,
R/o A-17, Old Govind Pura,
Parwana Road, Delhi-110051.
6. Dr. Sarbani Gon
D/o late Shri P.N. Gon,
R/o 56-A Pocket-B,
Hari Nagar, Delhi-110 064.

....Petitioners

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

Versus

Shri Ramesh Chandra,
Principal Secretary (Medical)
Govt. of NCT of Delhi,
5, Shannath Marg,
Delhi-110 054.

...Respondent

(By Advocate: Shri Rajinder Pandita)

CHD

CP No. 13/99 In
OA No. 2552/97

Dr.(Mrs) Anjali Chattopadhaya Goswami
W/o Dr. Utpal Goswami,
R/o 67, Delhi Admn. Flats,
Greater Kailash-I, New Delhi.

...Petitioner

(By Advocate: Shri K.N.R. Pillai with
Ms. Geetanjali Goel)

CP-172/98 in OA-2552/97

Versus

1. Shri Ramesh Chandra,
Secretary (Medical),
5, Shamnath Marg,
Delhi.

1. Dr.Radha Dubey W/o Sh.Sandip Kr.,
R/o D1/38, Rabindra Ngr., N.D-3.
2. Dr.Renu Jain, D/o Sh. S.K. Jain,
R/o D-34, Sector-36, Noida-201 301.

... Petitioners

2. Mrs. Jeevan Jha,
Director of Health Services,
E. Block, Saraswati Bhavan,
Delhi.

(through Sh.KNR Pillai with
Ms. Geetanjali Goyal)
versus

(Respondent as R-1 in CP-13/99)

...Respondents

(By Advocate: Shri Rajinder Pandita)

ORDER (Oral)

By Reddy, J.-

Heard the counsel for the petitioners and the
respondents.

2. The petitioners were appointed as Medical
Officers on contract basis with a consolidated salary
of Rs. 6000/- for a period of 89 days and after an
artificial break, for a period of one year. They have
filed the OA for their continuation of service till
Medical Officers on regular basis were appointed in
accordance with the relevant Recruitment Rules. While
disposing of the OA the Bench gave the directions as
follows:

"(a) The respondents shall grant
the applicants the same pay scale
and allowances and other service
benefits, like, leave, increment
on completion of one year and
other benefits of service
conditions/as are admissible to

Medical Officers who are appointed on regular basis in the corresponding pay scales.

(b) The artificial break of one or two days in service, if any, during the contract period, shall be ignored and they shall be deemed to have continued in service from the date of their first appointment till regular appointments are made by the respondents in accordance with the relevant rules/instructions. In the circumstances of the case, respondents shall also consider giving age relaxation to the applicants in accordance with the rules, if they are candidates before the UPSC for regular appointment, to the extent of the number of years of service they have rendered on contract/ad hoc basis.

(c) The above directions shall be implemented within three months from the date of receipt of a copy of this order".

3. It is not the grievance of the petitioners that the respondents had not complied with the above directions. Their only complaint is that they were appointed on regular basis and allowed the benefits only from the date of the judgment and not from the date of their initial appointment on ad hoc basis. In the counter affidavit it was, however, stated that the judgment has been fully complied with. It was further stated that the petitioners filed Writ Petition in the High Court as well as the SLP before the Supreme Court and both were rejected. The respondents having considered the judgment and the directions given in it, have issued the orders dated 25.8.99 and 8.9.99 allowing all the Medical Officers who were appointed on contract basis, the regular pay scales, allowances and other service benefits as are admissible to medical officers who were appointed on

CMS

55

regular basis in the corresponding pay scale, w.e.f. the date of the judgment. Hence it is averred that the directions given by the Tribunal have been complied with.

56

4. Considering the above averments, we are satisfied that the directions given by the Tribunal have been fully complied with. The contention that the applicants should have been appointed regularly from the date of their initial appointment cannot be acceded to. No such direction is discernible in the order. However, it is open to the petitioners to obtain clarification in this regard from the Tribunal if they are so advised.

5. C.P. therefore fails and accordingly dismissed.

(Mrs. Shanta Shastri)
Member (A)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman (J)

cc.

Original Judgement in Cr/64/95 on 23.15.59

Handwritten notes:
3.11.59
6.11.59