

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. No. 338 of 1997
in
O.A. No. 813 of 1997

New Delhi, dated this the 3rd July, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (JO)

1. Dr. Sucheta Parwal,
R/o D-28, GTB Hospital Campus,
Delhi.
2. Dr. Shalley Kamra,
R/o 256, Supreme Enclave,
Mayur Vihar Ph.I,
Delhi.
3. Dr. Poonam Pal,
R/o 18-A, Ram Nagar,
Ghaziabad (U.P.)
4. Dr. Sushant Kumar Nayak,
R/o 69-B, PKT-III,-
Mayur Vihar Ph.I
New Delhi.

..... PETITIONERS

(By Advocate: Ms. Harvinder Choudhary)

Versus

1. Shri Ramesh Chand,
Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi.
2. Ms. Jeevan Jha,
Director of Health Secrvices,
Saraswati Bhawan,
Delhi.

..... RESPONDENTS

(By Advocate: Shri Rajinder Pandita)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Petitioners allege contumacious
non-compliance of the Tribunal's orders dated
22.4.97 in O.A. No. 813/97 which is reproduced
below in full.

Ld. Counsel for respondents says
that in pursuance to Tribunal's orders
to consider the petitioners, the
petitioners have been interviewed and
they are likely to be appointed for one

more year. The respondents may do so and in the circumstances we direct that the petitioners may make a representation in this regard so that appropriate orders of appointment may be passed on such representation. In these terms, this O.A. is disposed of with no orders as to costs."

2. Pursuant to the aforesaid orders petitioners made the requisite representations (Ann. F Colly). By respondents' order dated 9.12.97 (copy on record), all those Medical Officers who were working under Dte. of Health Services on contract basis and had completed 6 months of continuous service, including the present petitioners were given fresh appointment till 23.12.97 with a break of 48 hours from the date of termination of their earlier contract and by respondents' further order dated 23.12.97 the petitioners have been continued in service till further orders. Petitioners have not shown us any materials to establish that their services have been terminated after the issue of the aforesaid orders dated 23.12.97.

3. Under the circumstances we hold that the Tribunal judgment dated 22.4.97 has been substantively complied with by respondents and without going into the legality of the 48 hours break given by respondents before **renewing** applicants' contracts, we must record that the legality of such a 48 hours break cannot be made the subject matter of a challenge in a C.P.

Furthermore, a C.P. is not the appropriate legal instrument to seek enhanced emoluments as has been done in the case before us.

4. The C.P. is therefore rejected and notices to alleged contemnors are discharged.

Lakshmi Swaminathan

(Mrs. LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige

(S.R. ADIGE)
VICE CHAIRMAN (A)

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