

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

CP-105/97 in
OA-579/97

New Delhi this the 4th day of June, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Dr. Sandeep Kumar,
S/o Sh. Om Prakash Gupta,
R/o F-188-D.G.T.D. Enclave,
Delhi-95. Petitioner

(through Sh. B.S. Jain, advocate)

versus

1. Govt. of National Capital Territory
of Delhi (through Chief Secretary),
5-Sham Nath Road, Delhi-54.
2. Medical Superintendent,
Guru Tegh Bahadur Hospital,
Delhi.
3. Union of India through
Secretary, Ministry of Health
& Family Welfare, Nirman Bhawan,
New Delhi. Respondents

(through Sh. S.K. Gupta for Sh. B.S. Gupta, advocate)

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

On 13.03.97, we passed an order directing the respondents to maintain status quo and the said order was said to have been received by the respondents on the same day by evening. The petitioner filed this contempt petition complaining that the respondents have violated the status quo order. In reply the respondents state that the adverse order against the petitioner had already been passed on the same day before the receipt of this order and in view of this, this C.P. cannot survive. It is further stated that the stream in which the petitioner has been appointed after selection for 89 days each, had in fact two vacancies/posts in the

department but the petitioner could not be appointed as a regular incumbent for the reason that when the petitioner was considered for selection alongwith others, the petitioner could not make grade. It is admitted that the petitioner is continuing as a Senior Resident Doctor but after the selection, the regular incumbent joined, the petitioner who has been appointed as a stop gap arrangement has to make place for the regular incumbent to hold the post. The learned counsel for the petitioner also stated that there is one more vacancy in the stream the petitioner is holding and the said post is reserved for SC candidate and the petitioner could not be given regular appointment against the said vacancy but the respondents have no objection to consider the case of the petitioner and allow him to continue as Senior Resident Doctor till the selection and appointment of a SC candidate is finalised by the recruiting agency, under the same terms and conditions as were given to the petitioner initially. It may be stated that in view of the submissions made by the learned counsel for the respondents, the respondents shall consider the case of the petitioner for continuing appointment under the same terms against the remaining vacancy till the regular incumbent joins. The respondents are given ten days time after the receipt of a copy of this order to comply with this order.

(10)

With the aforesaid observations/directions, this C.P. is disposed of. Notices issued to the alleged contemnors are discharged.


S.P. Biswas
Member(A)

/vv/


(Dr. Jose P. Verghese)
Vice-Chairman(J)