

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA 2600/97(MA 2603/97)
with OA 1585/97
OA 2552/97

New Delhi this the 21ST day of May, 1998.

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Shri K. Muthukumar, Member(A)

OA 2600/97

1. Dr. Susmita Aich,
W/O Dr. R. L. Aich,
D-31, Govt. Qtrs., Devnagar, New Delhi-5
 2. Dr. Sujata Senapati,
W/O Dr. T. K. Jena,
K/60-C, Seikh Sarai,
Phase-II, New Delhi-17.
 3. Dr. Reeta Mongia,
W/O Dr. Jatinder Mongia,
336, GH-14, Paschim Vihar,
New Delhi-110063.
 4. Dr. Veena Chellani,
W/O Dr. Mukesh Chellani,
DG-II, 161-C,
Vikaspuri, New Delhi.
 5. Dr. Birendra Kumar Jha,
S/O Mr. Nunu Jha,
E-158, Nanakpura, New Delhi-21.
 6. Dr. Leela Kunhiraman,
D/O Mr. M. Kunhiraman,
91 N, Sector-IV, Baba Khark Singh
Marg, New Delhi-1.
 7. Dr. Ravindra Nath Kapoor,
S/O late Shri Hans Raj Kapoor,
4A/33, Old Rajinder Nagar,
New Delhi-60.
 8. Dr. Himani Majumdar
W/O Mr. P. K. Majumdar,
Flat No. 7, Block-R,
Andrewganj Exten.,
New Delhi.
 9. Dr. Sucheta Tripathy,
W/O Dr. Vinod Samal,
11 A, Navkala Apartment, Plot 14,
I.P. Extension, Delhi-92.
 10. Dr. Ranjana Kumari,
W/O Mr. Shubhendu Kumar,
A-51, Pandara Road, New Delhi-1
- (All working as Medical Officers in DHS,
NCT of Delhi)
- (By Advocate Shri K. N. R. Pillai)
- ..Applicants

Vs

1. Govt. of NCT of Delhi
through the Secretary,
Medical, 5, Sharnath Marg, Delhi-54.

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2. Director of Health Services,
Delhi, E-Block, Saraswati Bhawan,
Connaught Place, New Delhi.

..Respondents

(By Advocate Shri Rajinder Pandita)

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OA 1585/97

1. Dr. Grijesh Kumar,
S/O Shri L.C. Goyal,
R/O 67-A, Kundan Nagar
P.O. Laxmi Nagar, Delhi-92
2. Dr. (Mrs) Junu Kumari Das,
W/O Shri Nawal Kishore
R/O Sl/25, Gali No 14,
Nai Basti, Anand Parbat, New Delhi.
3. Dr. (Mrs) Archana Robinson,
W/O Dr. Dhinooy Robinson,
R/O C-72, Inder Puri,
New Delhi-12.
4. Dr. Lalit Kumar Chauhan,
S/O Sh. S.R. Chauhan
R/O C-419, Gokul Puri,
Delhi-94.
5. Dr. Amit Kumar Mondal,
S/O SH. Atul Krishna Mondal,
R/O E-204, Plot No. 25, Saraswati Kunj,
Patparganj, Delhi-92.
6. Dr. Rajender Kr. Chopra,
S/O Late Shri Dina Nath Chopra,
E/O 385, AGCR Enclave,
Delhi.
7. Dr. (Mrs) Swagata Biswas,
W/O Shri Biswarup Biswas,
R/O 385, Midred Lane, LNJP Hospital,
New Delhi.
8. Dr. Sukhvinder Kaur,
D/O Sh. Sarwan Singh Mann
R/O A-17, Old Govind Pura,
Parwana Road, Delhi-51
9. Dr. Sarbani Gon,
D/O late Sh. P.N. Gon,
R/O 56-A, Pocket-B, Hari Nagar,
New Delhi-64.

..Applicants

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

Vs

1. Govt. of NCT of Delhi
Through the Secretary, Medical,
5, Sham Nath Narg, Delhi-54
2. The Directorate of Health Services, Delhi
E-Block, Saraswati Bhawan,
Connaught Place,
New Delhi.

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3. Union of India
Through the Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi.

..Respondents

(By Advocate Shri Rajinder Pandita)

OA 2552/97

1. Dr. Radha Dubey,
W/O Shri Sandip Kumar
R/O DI/39, Ravindra Nagar,
New Delhi-3.
2. Dr. Renu Jain
D/O Sh. S.K. Jain,
R/O D-34, Sector 36,
Noida-201301
3. Dr. Anjali Chattopadhyaya Goswami,
W/O Dr. Utpal Goswami,
R/O 67, Delhi Administration Flats,
Greater Kailash-1,
New Delhi-48.

..Applicants

(By Advocate Shri K.N.R. Pillay)

Vs

1. Govt. of NCT of Delhi,
Through the Secretary, Medical,
5, Sham Nath Marg, Delhi-54.
2. The Director of Health Services, Delhi
E-Block, Saraswati Bhavan,
Connaught Place, New Delhi.

(By Advocate Sh. Rajinder Pandita)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

With the consent of the learned counsel for the parties the three OAs 2600/97, 1585/97 and 2552/97 are taken up together for hearing as they raise similar issues, and are accordingly being disposed of by this common order.

2. For the sake of convenience, the facts in OA 2600/97 have been referred to. The applicants were appointed as Medical Officers on contract basis with a consolidated salary of *89 days and after an artificial break, for a period of Rs* Rs 6000/- for a period of one year. By virtue of the Tribunal's interim order dated 2.12.1997 by which the respondents were directed to maintain *the* status quo, *the* services of the applicants have been continued as no replacement ~~has~~ been made by regular appointees. Shri Pillai, learned counsel for *the* applicants submits that the applicants in the aforesaid OAs are continuing in

(22) service till date. He relies on the judgment of the Tribunal in the case of Dr.J.P.Palia and Others Vs. Govt.of NCT of Delhi & others(OA 2564/97 with connected OAs) decided on 23.4.1998 and prays for similar reliefs, namely, that the applicants should be granted the same pay scale and allowances and other service benefits as are admissible to Medical Officers who are appointed on regular basis; discount any artificial break-in-service; continue them in service till the appointment of other Medical Officers on regular basis in accordance with the relevant rules, and consideration for age relaxation to the extent of their ad hoc services.

3. We have considered the reply filed by the respondents and have also heard Shri Rajinder Pandita, learned counsel for respondents.

4. The respondents do not seriously dispute the fact that the facts and circumstances of the present cases are in all fours with the facts in Dr.J.P.Palia 's case(Supra). Therefore, in the circumstances of the case and for the reasons given in that judgment, these applications, namely, OAs 2600/97, 1585/97 and 2552/97 are allowed with the following directions:

- 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

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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.

No order as to costs.

5. Let a copy of this order be kept in OAs 1585/97 and 2552/97 also.

(K. Muthukumar)
Member(A)

(Smt. Lakshmi Swaminathan)
Member(J)

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Attested
1/1/2002
cc: TV