

Central Administrative Tribunal
Principal Bench

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O.A.No. 1847/2000
O.A.No. 1848/2000
M.A.No. 1526/2004
O.A.No. 1849/2000
M.A.No. 1525/2004
O.A.No. 1850/2000
O.A.No. 1851/2000
O.A.No. 1852/2000
O.A.No. 1853/2000
O.A.No. 1854/2000

New Delhi, this the 27th day of July, 2004

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.A. Singh, Member (A)

✓ O.A.No. 1847/2000

Dr. Mahesh Verma,
Professor & Head Dental Wing,
Maulana Azad Medical College, ...Applicant
New Delhi - 110 002.

✓ O.A.No. 1848/2000

Dr. Sangeeta Talwar,
Professor, Deptt. of Conservative Dentistry,
Dental Wing, Maulana Azad Medical College,
Bahadur Shah Zafar Marg, ...Applicant
New Delhi - 110 002.

✓ OA No. 1849/2000

Dr. Tulika Tripathi,
Professor Department of Orthodontics,
Maulana Azad Medical College, ...Applicant
New Delhi - 110 002.

✓ O.A.No. 1850/2000

Dr. Dharendra Srivastava,
Professor, Department of Oral Surgery,
Dental Wing, Maulana Azad Medical College,
New Delhi - 110 002. ...Applicant

✓ O.A.No. 1851/2000

Dr. Arundeeep Kaur,
Associate Professor,
Deptt. of Periodontics,
Dental Wing, Maulana Azad Medical College,
Bahadur Shah Zafar Marg, ...Applicant
New Delhi 110 002.

✓ O.A.No. 1852/2000

Dr. A.D. Bhagat Singh,
Associate Professor,
Deptt. of Orthodontics,
Dental Wing, Maulana Azad Medical College,
Bahadur Shah Zafar Marg, ...Applicant
New Delhi - 110 002.

✓ O.A.No. 1853/2000

Dr. Harpreet Grewal,
Associate Professor, Dental Wing,
Maulana Azad Medical College,
Bahadur Shah Zafar Marg,
New Delhi- 110 002.

...Applicant

✓ O.A.No. 1854/2000

Dr. Sunita Gupta,
Assistant Professor, Oral Medicine,
Oral Diagnosis & Radiology,
Dental Wing, Maulana Azad Medical College,
New Delhi.

...Applicant

-versus-

1. Govt. of the National Capital Territory
of Delhi through Ministry of Health,
Urban Development, Sham Nath Marg,
Delhi.
2. Maulana Azad Medical College,
Bahadur Shah Zafar Marg,
New Delhi.
3. Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi- 110 003.

...Respondents

Presence: Shri G.D. Gupta, Senior Advocate,
Sh.P.P. Khurana, Senior Advocate with
Sh. V.S.R. Krishna, Sh. S.K. Gupta,
Ms. Seema Pandey and Sh. Ashwani
Bhardwaj, Advocates for applicants.

Sh. Vijaya Pandita with Ms. B.Rana,
Advocates for the respondents.

O R D E R (ORAL)

By Shri Justice V.S. Aggarwal, Chairman:

By this common order, we propose to dispose
of the Original Application Nos. 1847/2000,
1848/2000, 1849/2000, 1850/2000, 1851/2000,
1852/2000, 1853/2000 and 1854/2000 together. For the
sake of convenience, we are taking basic facts from
OA No. 1848/2000 entitled Dr. Sangeeta Talwar vs.
Govt. of N.C.T. of Delhi.

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2. The applicant had filed the Original Application seeking the following reliefs:-

(i) Direct the respondents to regularise the service of Applicant in the post of Professor, Deptt. of Conservative Dentistry, Dental Wing, Maulana Azad Medical College, New Delhi with effect from 30.7.1998, being the date of joining in the said capacity, with all consequential benefits arising therefrom;

(ii) Direct the respondents to regularise the past services of the Applicant as Lecturer from 16.2.1987 to 16.6.1991, Assistant Professor from 17.6.1991 to 6.7.1995, and as Associate Professor from 7.7.1995 to 29.7.1998 in the Dental Wing of Maulana Azad Medical College and treat her as a regular employee for all purposes including promotion and other consequential benefits;

(iii) Direct the Respondents to forthwith fill up the existing regular vacancies of Professor at Respondent MAMC by regularising the existing eligible faculty members working in the said post on ad hoc basis, including the Applicant, without insisting on qualifying service on regular basis;

(iv) Issue such other order or direction in favour of the Applicant and against the Respondents as may be deemed just and proper in the facts and circumstances of the case."

3. The application was being contested. We are not dwelling into any of those contentions for the reason that Misc. Application No. 1526/2004 has been filed. It refers to the fact that during pendency of the application, respondent no. 1 has addressed a letter dated 2.7.2004 to the Principal, Maulana Azad Medical College, pertaining to clarification regarding recruitment rules for the post of Professor/Associate Professor, Dentistry.

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The operative part of the said letter reads:

"Please refer to your letter No. 445/Dental dated 01.07.2004 on the subject noted above. In this connection, it is informed that the provision regarding relaxation of the recruitment rules mentioned in your letter is the part of the foot note to be read as a part of recruitment rules for the concerned posts which falls in Group 'C' & 'D'.

However, in the context of the recruitment rules for Group 'A' & 'B' posts, the following relaxation clause would be applicable as mentioned in Para-7 of guidelines of recruitment rules circulated vide O.M. dated 30.11.1988.

"Where the Administrator is of the opinion that it is necessary or expedient so to do, it may, by order, for persons to be recorded in writing and in consultation with Union Public Service Commission, relax any of the provisions of these rules with respect to a class or category of persons."

Since, in the instant case the post of Professor/Associate Professor (Dentistry) are Group 'A' posts, for any relaxation in the recruitment rules, can be carried out in consultation with Union Public Service Commission."

4. It is on the strength of the same that the applicants contend that now it is being admitted that there is power to relax the rigour of the rules in consultation with UPSC and that the said exercise can be carried out in consultation with UPSC. Keeping in view this fact, it is not in dispute that the respondent no. 1 would take up the matter with UPSC for necessary amendment in the recruitment rules. At this stage, it is being pointed that while this exercise is to be effected, applicants' services

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should not be terminated and such an interim order has already been passed when the Original Applications had come up for preliminary hearing and had continued since that date. In such a situation when the respondents are considering by virtue of the letter of 02.07.2004, it is just and equitable that such a request that services of applicants be not terminated, looks proper.

5. Resultantly, we dispose of the present OAs holding:

(a) In accordance with the letter of 2.7.2004, respondents no. 1 in consultation with UPSC may take steps for relaxation of the rules in accordance with law;

(b) The said exercise should be completed preferably within six months of the receipt of the present order.

(c) The respondents shall consider the claim of the applicants after effecting necessary changes in the rules *if any*.

(d) Till then the respondents shall not terminate the services of the applicants except in accordance with law in case of misbehaviour or misconduct etc.

(S.A. Singh)
Member (A)

/na/

(V.S. Aggarwal)
Chairman