

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

Dated: this the 22nd day of MAY, 2001

Original Application No. 211 of 2000

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALI, MEMBER (J)

IN THE MATTER OF:

1. Dr. Divpreet Sahni
D/o Mr. K.B. Singh
R-709, New Rajinder Nagar
New Delhi 110 016
2. Dr. Anil Mittal
S/o Mr. O.P. Mittal
73, H4/5 Suchitra Vihar
Pitampura
Delhi
3. Dr. Anil Kumar
S/o Mr. Mohan Lal
D-144 Street No. 7 B
Ashok Nagar
Delhi 110 093
4. Dr. Anshum Gupta
D/o Mr. Arun Kumar
S-203, G.K. part I
New Delhi 110 048
5. Dr. Bhawna Gupta
W/o Dr. Deepak Gupta
B-37 Preet Vihar
Delhi 110 092
6. Dr. Monisha Batra
W/o Mr. Vivek Soin
R-704; New Rajinder Nagar
New Delhi
7. Dr. Ashu Chkravarty
W/o Mr. D. Vashishtha
J-251, Saket
New Delhi
8. Dr. Ravinder Kumar
D/o Mr. O.P. Rohilla
H: No. 506
Sector 4
Gurgaon 122 001
9. Dr. Richa Chandra

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Dr/o Dr. Dinesh Chandra
6/11, M.A.M.C Campus
Kotla Road
New Delhi 110 002

10. Dr. Sangeeta Saikia
D/o Dr. B. Saikia
B-165, Nanak Pura
South Moti Bagh
New Delhi 110 021

11. Dr. K.S. Kumar
S/o Mr. Lehri Lal
E-1/5, Sector - 16
Rohini
New Delhi 110 085

12. Dr. Urvashi Sinha
W/o Mr. Vikas Saxena
88, Vivekanandapuri
New Delhi 110 007

13. Dr. Shalini Bansal
D/o Mr. R.K. Bansal
H. No. 15, Vivekanandapuri
Delhi 110 007

14. Dr. Anjali Gupta
Wife of Shri Rajiv Gupta
R/o 122-B/1-A Gautam Nagar
New Delhi

... Applicants

(through Mr. Pramod Gupta
Advocate for the Applicants)

Versus

1. Government of NCT of Delhi
through
its Chief Secretary
5 Sham Nath Marg
Delhi 110 054

2. The Principal Secretary
Health and Family Welfare Department
Government of NCT of Delhi
5 Sham Nath Marg
Delhi 110 054

3. The Director of Health Services
Government of NCT of Delhi
E-Block, Saraswati Bhawan
Connaught Place
New Delhi
New Delhi

4. The Union Public Service Commission
through Secretary

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Dholpur House,
Shah Jahan Road,
New Delhi;

.....Respondents.

(By Advocate: Shri George Paraken)

ORDER

S.R. Adige, VC(A):

Applicants who are Civil Assistant Surgeons Grade-I (Dental) who have been appointed in respondents Organisation on adhoc (contractual) basis, seek a direction to respondents to grant them service benefits of leave, increments, maternity leave as admissible to regularly appointed CASs from the date of their initial appointment. Other related benefits have also been sought.

2. Heard both sides.

3. It is not denied that pursuant to the Tribunal's order in Dr. (Mrs) Sangeeta Narang & Ors. Vs. Delhi Admn. & Ors. ATR 1988 (1) CAT 566 these applicants who were also appointed on adhoc basis as Junior Medical Officers Gr. II, were extended various benefits admissible to regularly appointed JMOs Gr. II. That order of the Tribunal was upheld by the Hon'ble Supreme Court. Subsequently by the Tribunal's order dated 23.4.98 in OA No. 2564/97 Dr. J.P. Paliya & Ors. Vs. UOI & Ors. & connected cases (Annexure-A-X) those benefits were also ordered to be extended to all the applicants covered by Paliya's case and connected cases (supra) as the Bench saw no good reason to distinguish those cases from the judgment in Dr. Sangeeta Narang's case (supra) merely on the ground that the applicants in those cases were based on contract, whereas Dr. Sangeeta Narang's case was on adhoc basis, and furthermore because GOI's letter dated 2.11.98 seemed to use these expressions

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interchangeably.

4. CWP No. 3641/98 filed in Delhi High Court ^{against aforesaid order dated 23.5.98} was dismissed with costs by order dated 11.9.98 (Annexure-A XI). SLP No. 949-957/99 filed in the Hon'ble Supreme Court against the aforesaid order dated 11.9.98 was dismissed on 1.2.99 (Annexure-A XII) and Review Petition (Civil) No. 547-555/99 was also dismissed by the Hon'ble Supreme Court on 28.4.99 (Annexure-A-XIII).

5. Respondents themselves admit in their reply to para 4(ii) of the OA that applicants have been appointed on adhoc (contractual) basis. As applicants in the present OA are similarly placed as the applicants in Dr. Sangeeta Narang's case (supra) and Dr. Paliya's case (supra) we hold that they are entitled to the same benefits granted to the applicants in the aforesaid cases.

6. In this connection, we note that by the Tribunal's order dated 8.5.2000 in OA No. 2108/99 Dr. Aparna Sehgal & Ors. Vs. Govt. of NCT of Delhi & Ors., the benefits granted in Dr. Sangeeta Narang's case (supra) and Dr. Paliya's case (supra) were ordered to be extended to Dr. Aparna Sehgal and others also who were Homeopathic Doctors appointed on contract basis in respondents organisation. Subsequently by the Tribunal's order dated 10.4.2000 in OA No. 1109/2000 Dr. Pamila Bhatia & Ors. Vs. Govt. of NCT of Delhi & Ors. these benefits granted in Dr. Sangeeta Narang's case (supra) and in Dr. Paliya's case (supra) were ordered to be extended to Dr. Pamila Bhatia and others who were Medical Officers (Ayurvedic) appointed on adhoc basis. In the aforesaid order dated 10.4.2001 in Dr. Pamila Bhatia's case (supra), it was further made clear that these benefits would be admissible to those applicants from the date of their initial appointment. Nothing has been shown to us to

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establish that the aforesaid orders in Dr. Aprna Sehgal's case () or in Dr. Pamila Bhatia's case (supra) have been stayed, modified and set aside.

7. In the result the OA succeeds and is allowed to the extent that respondents should extend to applications within 3 months from the date of receipt of a copy of this order, the benefits granted in Dr. Sangeeta Narang's case (supra) ^{and} in Dr. Paliya's case (supra) with effect from the date of their initial appointment. No costs.

A. Vedarathi

(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige

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

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