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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2427/2000
M.A. NO.2885/2000

New Delhi this the 23rd day of January, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

1. N.Uma
W/o Deepansh Sharma
R/o C-539, Sarita Vihar
New Delhi-110 054.
 2. Supria Narula
W/o Rajeev Narula
R/o 20, Mandakini Enclave
Alaknanda, New Delhi-19.
 3. Anupam Nidhi
W/o Tarsem Lal
R/o B-5/59, Paschim Vihar
New Delhi-110 063.
 4. Pradeep Kumar Debata
S/o Ganesh Debata
R/o 78-A, Pkt. 'E'
GTB Extn. Dilshad Garden
Delhi-95.
 5. Akshay Bahadur
S/o Madan Gopal
R/o IIIA/232, Vaishali
Ghaziabad-201 010.
 6. Binod Kalita
S/o Prabin Kalita
R/o 32-B, Pkt.A,
Dilshad Garaden
Delhi-95.
 7. Ajay Kumar Gupta
S/o Ved Prakash
R/o C-127, Kirpal Apartments
Patparganj, Delhi-92.
 8. Abha Sharma
W/o R.K.Sharma
R/o 6-A, Oversease Apartments
Vasundara Enclave, Delhi.
 9. Hitesh Lal
S/o O.P.Lal
R/o A-1/207, Janakpuri
New Delhi-110 058.
 10. S.D.Bisht
S/o ~S.C.Bisht
R/o 108A, Pkt. F, GTB Enclave
Delhi.
11. S.D.Bisht

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11. Pankaj Agarwal
S/o I.K. Agarwal
R/o 104, Ballo Appt.
58-I.P.Extension, Delhi.
12. Anju Gupta
W/o Rakesh Gupta
R/o K-48, Fateh Nagar
Delhi-18.
13. Neera Rani Gupta
W/o N.Kumar
R/o 22, Seva Nagar Market
Defence Road, New Delhi-03.
14. Sanjeev Kumar
S/o Late Kalyan Singh
R/o C-85, Sector-41
Noida, U.P.
15. Seema Grover
W/o Anil Taneja
R/o 297, Type-IV
Laxmibai Nagar, New Delhi.
16. Vikram Singh Rawat
S/o H.S.Rawat
R/o RZ-24/4, Indira Park
Palam Colony, Delhi.
17. Shubhra Agarwal
W/o Anurag Krishna
R/o H-115, Ashok Vihar
Phase-I, Delhi-52.
18. Shipra Ram Pal
W/o G.P. Kaushal
R/o 75, Kadambari Society
Pl.19, Sector 9, Rohini
Delhi.

...Applicants

(By Shri S.K. Sinha, Advocate)

-versus-

1. Government of N.C.T. of Delhi
Through the Secretary (Medical)
Health and Family Welfare Department
5, Sham Nath Marg
Delhi-110 054.
2. The Director of Health and Family Welfare
Government of N.C.T. of Delhi
"E" Block, Saraswati Bhawan
Cannaught Place
New Delhi.

... Respondents

(None)

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O R D E R (ORAL)

JUSTICE ASHOK AGARWAL:

M.A. No.2885/2000

M.A. No.2885/2000 for joining together in one O.A. is granted.

O.A. No.2427/2000

2. We have heard Shri S.K.Sinha, learned counsel appearing in support of the O.A. Respondents and their advocate are absent. In the circumstances, we proceed to dispose of the OA on merits in terms of Rule 16 of the Central Administrative Tribunal (Procedure) Rules, 1987 in the absence of the respondents and their counsel.

3. Applicants are working as Junior Specialists i.e. Specialist Grade-II in various hospitals run by the Government of National Capital Territory of Delhi. They have been appointed on ad hoc and contractual basis. They are being paid a consolidated salary of Rs.15,000/- per month which is far below the scale provided for regularly appointed Specialists Grade-II who are being paid in a sum of approximately Rs.18,000/- in the pay scale of Rs.10,000-325-15,200. By the present OA, the applicants claim the same salary and service conditions as are applicable to regularly employed Specialists Grade-II. They also take exception to their appointments being made for

one year and thereafter renewed for a further period of one year thereby denying them their right to claim increments. They, in the circumstances, claim continuity of service.


4. Case of the applicants in the present OA is similar to the applicants in the case of Dr. Lalit Maini and others v. Government of NCT of Delhi in OA No.2746/1999 with OA No.2843/1999 decided on 18.10.2000 wherein the following reliefs have been granted:-

"8. In the circumstances and also in view of the judgements of the Tribunal and the High Court as well as the Supreme Court, we allow these two OAs. Respondents shall continue the applicants in service paying the same pay scales as are being paid to the regularly appointed Junior Specialists Gr.II in the Government of India with all attendant benefits from the date of their respective initial appointments on contractual basis. The direction shall be implemented within a period of three months from the date of receipt of a copy of this order."

5. Since the applicants herein are similarly placed, we hold that they are also entitled to the very same reliefs which have been granted in the aforesaid OAs. We direct accordingly. Respondents shall continue the applicants in service paying the same pay scales as are being paid to the regularly appointed Junior Specialists Grade.II in the Governemnt of India with all attendant benefits from the date of their respective initial appointment on contractual basis. Brake in service is directed to be


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treated as leave of the type due. Applicants will, therefore, be entitled to have continued in service ^{and consequent increments} without break. These directions shall be implemented within a period of three months from the date of service of this order.

6. Present OA is allowed in the aforesaid terms with no order as to costs.



(S.A.T. Rizvi)
Member (A)

/sns/


(Ashok Agarwal)
Chairman

fresh major
Direction