

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 2650/2000

with

MAs 201 & 227 of 2001

and C.P. No. 43/2001

New Delhi: this the 28th day of AUGUST, 2001

HON'BLE MR.S.R.ADIGE VICE CHAIRMAN(A)

HON'BLE DR.A.VEDAVALLI, MEMBER (J)

Dr. Abhilasha Kewal Krishan,
 W/o Dr. Anil Arora,
 R/o WP/199-C Pitampura,
 New Delhi.

2. Dr. Monika Kelkar,
 D/o Mr. O.P. Kelkar,
 R/o 45/1, Rajpur Road,
 Civil Lines,
 New Delhi.

3. Dr. Kunal Puri,
 S/o Vice Admiral Ramanpuri,
 R/o S-429, Greater Kailash-I,
 Delhi-48.

4. Dr. Manisha Malhotra,
 D/o Dr. O.P. Malhotra,
 R/o E-14, Saket,
 New Delhi.

5. Dr. Navita Mittal,
 W/o Mr. Sanjay Kumar,
 R/o III H/137, Nehru Nagar,
 Ghaziabad

..... Applicants.

(By Advocate: Shri Parmod Gupta)

Versus

1. Govt. of NCT of Delhi,
 through
 its Chief Secretary,
 5, Sham Nath Marg,
 Delhi-54.

2. The Principal Secretary,
 Health and Family Welfare Department,
 Govt. of NCT of Delhi,
 Indraprastha Sachivalaya,
 Indraprastha Estate,
 Delhi.

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

4. The Union Public Service Commission
 through Secretary,
 Dholpur House,

Shah Jehan Road,
New Delhi.

(g1).....Respondents.

(By Advocate: Shri Harvir Singh).

ORDER

S.R. Adige, VC(A):

This order will dispose of OA No. 2650/2000; Ma No. 227/2001; MA No. 201/2001 and CP No. 43/2001.

2. In the OA., applicants who are Civil Assistant Surgeon (CAS) Grade I (Dental) and 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 and other related benefits as admissible to regularly appointed CASs from the date of their initial appointment.
3. Dr. Div Preet Sahni and others who were identically placed CASs Gr. I (Dental) had filed OA No. 2111/2000. That OA was allowed by the very Bench by its order dated 22.5.2001 to the extent that respondents were directed to extend to those applicants within 3 months from the date of receipt of a copy of that order, the benefits granted in Dr. Sangeeta Narang's case AIR 1988(1) CAT 566 and in Dr. Paliya's case OA No. 2564/97 with effect from the date of their initial appointment.
4. As applicants in the present OA are identically placed as those in Dr. Divpreet Sahni's case (supra), we direct that the benefits referred to in para 3 above, be extended to the present applicants also within 3 months from the date of receipt of a copy of this order.

5. During hearing it was contended by respondents' counsel that in respect of one of the applicants in the present OA namely Dr. Navita Mittal , there is no available

post against which she can be adjusted, and she is working with respondents only because of the Tribunal's interim orders. These contentions were disputed by applicants' counsel who asserted that vacancies were available against which applicant Dr. Navita Mittal could be adjusted.

6. There is no doubt that applicant Dr. Navita Mittal is continuing to perform her duties as Dental Surgeon, even if they be on the basis of the interim orders passed by this Court.

7. Respondents have been directed to implement our directions contained in para 3 above within 3 months from the date of receipt of this order. Meanwhile respondents should make efforts to locate a post against which Dr. Navita Mittal can be adjusted, and allow her to continue to perform her duties.

8. This OA together with connected CP and MAs are disposed of in terms of para 4 and 7 above. Notice in CP discharged. No costs.

9. Let a copy of this order be placed on CP's case record no. 43/2001.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

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

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