

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 839/2000

New Delhi this the 11th day of March, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri V.K.Majotra, Member (A)

Pratibha Puri,
W/O Shri S.K.Puri,
R/O E-56, Foch Square,
Gole Market, New Delhi

Working as Statistician
Lady Hardinge Medical College,
New Delhi.

..Applicant
(None for the applicant)

VERSUS

1. Union of India,
Through the Secretary,
Ministry of Health and
Family Welfare, Nirman Bhawan,
Maulana Azad Road, New Delhi.
2. The Director General,
Director General of Health
Services, Nirman Bhawan,
Maulana Azad Road, New Delhi.
3. The Principal and Medical Supdt.,
Lady Hardinge Medical College,
Shahid Bhagat Singh Marg,
New Delhi.

..Respondents

(By Advocate Smt.P.K.Gupta)

O R D E R (ORAL)

(Hon'ble Shri V.K.Majotra, Member (A)

This case is closely connected with OA 634/2000 - R.K.Verma Vs.Union of India and Ors. which was decided by this Tribunal on 4.3.2003. On 12.3.2003 this case had been adjourned at the request of applicant's counsel as judgement in OA 634/2000 (R.K.Verma Vs.UOI and Ors.) was reserved at that time. The same was pronounced on 4.3.2003, copy placed on record. None has appeared on behalf of the applicant today. On considering the pleadings made on behalf of

33

the applicant and Tribunal's order dated 4.3.2003 in OA 634/2000, we have proceeded to adjudicate the matter in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987. We have considered applicant's pleadings, arguments of the learned counsel of the respondents ^{and} material on record.

2. Shri R.K.Verma in OA 634/2000 was initially appointed as Statistician in the Department of Preventive and Social Medicine (PSM) w.e.f. 1.7.1976. The post of Statistician is a Group 'C' post. The post of Statistician-cum-Lecturer was created in the Department of PSM in 1980 which is a Group 'A' post. Shri R.K.Verma was appointed as Statistician-cum-Lecturer on 16.5.1985 on ad hoc basis for a period of 6 months or till regular incumbent joined, whichever was earlier. However, applicant's appointment was extended from time to time and he had been functioning as Statistician-cum-Lecturer continuously since 1.7.1976. Recruitment Rules (RRs) for the post of Statistician-cum-Lecturer were published on 4.7.1994. Shri R.K.Verma claimed to be fulfilling all requirements under the RRs except that of age limit. He had sought a direction to the respondents for regularisation on the post of Statistician-cum-Lecturer (non Medical Group 'A') from the date of his appointment as ad hoc Lecturer. The present applicant's claim is that she was appointed as

3A

LDC with the respondents in October, 1970. Later on when one post of Statistician fell vacant on appointment of Shri R.K.Verma as Statistician-cum-Lecturer on ad hoc basis, she was appointed as Statistician on ad hoc basis on 1.11.1985. She has continued to function on this post eversince. OA 634/2000 was disposed of with the following observations/directions:-

"Having regard to the facts and circumstances of the case as discussed above, although the services of applicant cannot be deemed to have been regularised on the post of Statistician-cum-Lecturer, respondents are directed to take expeditious action in consultation with the UPSC to fill up the post by considering relaxation of age limit under the recruitment rules in respect of applicant to the extent he has served on the post of Statistician-cum-Lecturer with respondents. Whereas applicant shall have to compete with other applicants, respondents are directed to give due weightage to applicant for his past experience on the post of Statistician-cum-Lecturer. If applicant is selected for the post of Statistician-cum-Lecturer in this manner, respondents shall accord regularisation of services of applicant since 1994, with notional benefits since 1994 and actual benefits from 29.3.2000 when the OA was filed.

Before parting with the case, we have to express our anguish and consternation on the inaction of respondents in the case. They have been causing inordinate delay in taking effective steps at each stage, such as creation of the post of Statistician-cum-Lecturer as required as per recommendations on minimum standards prescribed by the Medical Council of India, promulgation of the recruitment rules for the post, and filling up of the post. How can such lethargy be tolerated in the present day governance? Such gross neglect on the part of respondents has to be deprecated in the strongest terms.

The OA is allowed in the above terms. No costs".

3. Learned counsel of the respondents stated that although the applicant had been appointed as

W

(35)

Statistician on the post vacated by Shri R.K.Verma who had been promoted as Statistician-cum-Lecturer on ad hoc basis maintaining his lien on the post of Statistician. She had been appointed in a regular manner as per the recommendations of the Selection Committee as per the RRs. Learned counsel stated that the applicant has continued on the post of Statistician on ad hoc basis as Shri R.K.Verma had not been regularised on the post of Statistician-cum-Lecturer.

4. From Annexure A-2 dated 1/2-11/1985 we find that the applicant had been appointed as Statistician in the grade of Rs.425-700 on ad hoc basis on the recommendations of the Selection Committee. Admittedly, she has continued to function as such eversince. Learned counsel of respondents stated that the respondents shall be taking steps towards implementation of the directions of this Court in order dated 4.3.2003 in OA 634/2000 regarding regularisation of services of Shri R.K.Verma in the post of Statistician-cum-Lecturer since 1994, with notional benefits since 1994 and actual benefits from 29.3.2000 as directed by us. Learned counsel stated that as there is only one post of Statistician with the respondents which is currently occupied by Sh. R.K.Verma, the applicant cannot be regularised against that till the services of Sh. R.K.Verma are not regularised against the post of Statistician-cum-Lecturer in terms of the Tribunal's order in his case.

(36)

5. We observe, as in the case of Shri R.K.Verma, that the respondents have allowed the applicant to remain on the post of Statistician on ad hoc basis for a very long time since 1985 which is against the norms of good governance. Such negligence and action de hors the rules should not be repeated in future.

6. From the facts of this case, we observe that this case is certainly linked with that of Sh. R.K.Verma's case (supra) and since the respondents have to take steps for regularisation of services of Shri R.K.Verma on the post of Statistician-cum-Lecturer in consultation with UPSC, the applicant cannot be regularised on the post of Statistician till the same is vacated by Shri R.K.Verma on his regularisation against the post of Statistician-cum-Lecturer.

7. Keeping in view the facts and circumstances of the present case as also the directions made by us in Sh.R.K.Verma's case (supra), this OA succeeds and is allowed with the following directions:-

(i) The respondents shall take immediate steps to consider regularisation of the services of the applicant as Statistician on availability of a consequential vacancy if and after services of Shri R.K.Verma are regularised on the post of Statistician-cum-Lecturer.

Vb

38

(ii) The respondents shall not revert the applicant from the post of Statistician till consideration of her case in terms of (i) above.

(iii) She will be entitled to consequential benefits in accordance with law on regularisation of her services as Statistician.

No order as to costs.

V.K.Majotra
(V.K.Majotra)
Member (A)

Lakshmi Srinivasan
(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

sk