

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.

DATE OF DECISION: 2nd March, 90

O.A. No. 2396/89

Dr. Sudha Murria ... Applicant

Vs.

Delhi Administration & Another.. Respondents.

CORAM:

Hon'ble Shri T.S. Oberoi, Member (J)

Hon'ble Shri I.K. Rasgotra, Member (A)

For the applicant: Shri J.K. Bali, Advocate.

For the respondents: Shri P.P. Khurana, Advocate.

1. Whether Reporters of local papers may be allowed to see the Judgment ? Yes
2. Whether to be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgment ? No
4. Whether it needs to be circulated to other Benches of the Tribunal ? No

JUDGMENT:
(delivered by Hon'ble Shri TS Oberoi, Member).

This O.A. has been filed by Dr. Sudha Murria, an ad hoc Medical Officer in the Guru Teg Bahadur Hospital, Delhi, under the Delhi Administration under Section 19 of the Administrative Tribunals Act, 1985. The main prayers made in this application are to direct the respondents to treat the applicant at par with regularly appointed Medical Officers in the matter of pay and allowances, leave and other service conditions and also to restrain the respondents from terminating her services, after completion of six months' service as ad hoc Medical Officer, and to continue her in service till she is replaced by regular Medical Officers recruited through the Union Public Service Commission.

2. The facts leading to the filing of this application, in brief, are that the applicant was initially appointed for a period of six months on 5.6.1989, or ad hoc basis and her services were sought to be terminated by the respondents with effect from 4.12.1989 on completion of six months in terms of the impugned order. The case was heard on 4.12.1989, when an interim order was passed by us, restraining the respondents from terminating the services of the applicant. The interim order was continued till the case was finally heard and order reserved on 22.2.1990.

3. We find that identical cases of 74 applicants in OA No. 2314/89 and 11 other OAs have since been decided, applying the ratio of the judgment of the Tribunal in ATR 1988 (1) CAT 556 - Dr. (Mrs.) Sangita Narang & Others Vs. Delhi Administration & Ors., and 1987 (4) Judgments Today Supreme Court 445 - Dr. A.K. Jain & Others Vs. UOI, vide judgment delivered by the Tribunal on 2nd February, 1990. As the present case is in no way distinguishable from the cases decided vide judgment dated 2.2.1990 and has no other special feature or characteristic, we order and direct as follows:-

- i) The impugned order seeking to terminate the services of the applicant is hereby quashed. The respondents are directed to continue the applicant in service as ad hoc Medical Officer till she is replaced by a regular Medical Officer recruited through the Union Public Service Commission. The nominee of the U.P.S.C. shall replace her only after all other available vacancies are so filled. The replacement should be on the

basis of "last come first go", and this direction shall be implemented keeping in view the vacancies in all the participating units of the CHS.

- ii) The applicant would be paid the same pay scale and allowances and other benefits on completion of one year's service as are admissible under the conditions of service applicable to regularly appointed Medical Officers. No arrears, however, shall be payable for the past period.
- iii) The respondents are also directed to report the case of the applicant to the U.P.S.C. for consultation, if she is likely to continue on ad hoc basis for more than one year and thereafter, to continue her in service, in the light of the advice of the U.P.S.C., till her turn comes for replacement by a regular appointee. If the applicant applies for selection by the UPSC, the respondents shall consider granting relaxation in age to the extent of the period of service rendered by her, on ad hoc basis.
- iv) The interim order passed, restraining the respondents from terminating the services of the applicant is made absolute.

Parties shall bear their own costs.

Sukhpal
(I.K. Rasgotra) 2/3/90
Member (A)

Subba 2/3/90
(T.S. Oberoi)
Member (J)