

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO. 2522/89

DATE OF DECISION: 16th February, 1990

DR (MRS) G.S. PUNJABI

APPLICANT

SHRI G.B. TULSIANI

ADVOCATE FOR THE APPLICANTS

VERSUS

UNION OF INDIA & OTHERS

RESPONDENTS

SHRI P.P. KHURANA

ADVOCATE FOR THE RESPONDENTS

CORAM:

THE HON'BLE MR. T.S. OBEROI, MEMBER (J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal *No*

JUDGEMENT

(Of the Bench delivered by the Hon'ble Mr. I.K. Rasgotra, Member (A)

This O.A. has been filed by the applicant, Dr. (Mrs.) G.S. Punjabi on 19.12.1989 against the impugned order dated 27.10.1989 (Annexure A-III) of the Respondents viz. Safdarjang

Hospital, New Delhi serving notice to terminate her services w.e.f. 21.12.1989.

2. The brief facts of the case are that the applicant was initially appointed for a period of six months on adhoc basis and her services were sought to be terminated by the respondents w.e.f. 21.12.1989 on completion of six months in terms of the impugned order. The case was heard on 20.12.1989, 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 6.2.1990.

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 judgement of the Tribunal in ATR 1988 (1) CAT.556 Dr. (Mrs.) Sangeeta Narang & Others Vs. Delhi Admn. & Others and 1987 (4) Judgement Today Supreme Court 445 - Dr. A.K. Jain & Others Vs. UOI, vide judgement delivered by the Tribunal on 2nd February, 1990. As the present case is in no way distinguishable from the cases decided vide judgement 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 adhoc Medical Officer till she is replaced by a regular Medical Officer

recruited through 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 Officer. 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 adhoc basis for more than one year and thereafter to continue 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 adhoc 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.

Signature
(I.K. Rasgotra)
Member (A) 6/2/90

Signature 16/2/90
(T.S. Oberoi)
Member (J)