

(18)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: N.DELHI.

O.A. NO.339/88.

Date of decision: 03.6.93

Dr. Vijay Sethia.

Petitioner.

Versus

Union of India.

Respondent.

O.A.340/88.

Dr. Madan Prasad.

Petitioner.

Versus

Union of India & Anr.

Respondents.

O.A. NO.341/88.

Dr. Vinod Kumar.

Petitioner.

Versus

Union of India & Anr.

Respondents.

O.A. NO.387/88.

Dr. Madhukar Krishna & Ors. Petitioners.

Versus

Union of India & Anr.

Respondents.

O.A. NO.492/88.

Dr. V.P. Philip & Anr.

Petitioners.

Versus

Union of India & Anr.

Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. B.N. DHOUNDIYAL, MEMBER(A).

For the Petitioners.

None.

For the Respondents.

Shri P.P. Khurana,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

None appeared for the petitioners in these

✓ five cases. Shri P.P. Khurana, Counsel, appeared

for the respondents. As these are very old matters, we thought it proper to peruse the records, hear the learned counsel for the respondents and dispose of these cases on merits.

2. The petitioners were appointed as Junior Medical Officers on ad hoc basis under the Central Government Health Scheme. Their services were terminated by the impugned orders consequent upon joining of the regular medical officers approved by the Union Public Service Commission. It is in this background that the petitioners approached this Tribunal for a direction not to terminate their services, they having completed one year ~~and~~ ^{to} continued them in service in consultation with the Union Public Service Commission. There are other incidental and consequential reliefs sought.

3. The respondents have categorically pleaded that the petitioners having been appointed on ad hoc basis pending availability of regularly selected candidates by the Union Public Service Commission, their services had to be terminated in order to give posting to those candidates recruited through ~~the~~ Union Public Service Commission. There is no good

reason to disbelieve the statement of the respondents in this behalf. The petitioners having been appointed only on ad hoc basis and having remained in service for a short period of about one year and that too pending regular recruitment by the Union Public Service Commission cannot resist termination of their services when regularly selected candidates through the Union Public Service Commission are available and they have to be given posting. The petitioners, however, have stated that even after accommodating the candidates recruited through the Union Public Service Commission, there are still vacancies in which the petitioners can be accommodated. The respondents have filed a reply in which they have stated that they have strictly followed the principle of last come first go and there is no vacancy available in which the petitioners can be continued on ad hoc basis after accommodating the regularly recruited candidates. However, the Tribunal appears to have communicated its mind to the respondents to see if the petitioners can be accommodated elsewhere and an attempt was made by the respondents in this behalf to provide alternative employment to the petitioners respecting observations of the Tribunal. A reply has been filed by the Director, CGHS, on 23.9.1988 stating that the petitioners had to be displaced to accommodate regularly

selected candidates by the Union Public Service Commission. They have further referred to the directions of the Tribunal issued on 4.4.1988 that the petitioners whose services were terminated be taken back on ad hoc basis even by creating supernumerary posts. As per the directions of the Tribunal, an attempt was made to accommodate all the petitioners by giving ad hoc appointments under the CGHS. The petitioners were agreeable to accept such appointments. Accordingly, orders were issued in May, 1988, copies of which have also been produced before us in these cases. It is thus clear that the petitioners were not able to establish any legal rights to continue in service on ad hoc basis in the Central Government Health Scheme. On equitable considerations on the suggestion of the Tribunal they have been given appointments, as aforesaid, under the Assam Rifles. In these circumstances, there is nothing further which deserves to be examined in these cases. These cases accordingly stand disposed of. No costs.

B.N.Dhoudiyal

(B.N. DHOUNDIYAL)
MEMBER(A)

V.S. Malimath

(V.S. MALIMATH)
CHAIRMAN

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