

(17)

**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

discharged out of service and accordingly no relief is sought for the respondents. As these are very old matters, before we proceed to give our final judgment, 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 of 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 Union Public Service Commission. There is no good

Union Public Service Commission. There is no good

reason to disbelieve the statement of the respondents
that they were not used in the capacity and not
in this behalf. The petitioners having been appointed
and placed on ad hoc basis for reasons of exigencies or
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 peti-
tioners 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.

Court Officer
Central Administrative Tribunal
P.M. Bench, New Delhi
Fifth Floor, House No. 1

(B. N. DHOUNDIYAL)
MEMBER(A)

'SRD'
040693

(V. S. MALIMATH)
CHAIRMAN