

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~~ 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

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 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.

(B.N. DHOUNDIYAL)
MEMBER(A)

(V.S. MALIMATH)
CHAIRMAN

'SRD'
040693

Court Officer
Central Administrative Tribunal
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