



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1499/2020

M.A. No. 1887/2020

M.A. No. 1888/2020

This the 7th day of October, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Dr. Priyanka Agarwala Post: Sr. Residents
W/o Dr. Mohit Agarwal,
R/o 3/104, 1st Floor, Ramesh Nagar,
New Delhi – 110015.
2. Dr. Rupinder Kalra Post : Sr. Residents
W/o Dr. Alok Yadav,
R/OB XI 1682, Rarri Mohalla,
Ludhiana. Pin – 141008,
Presently residing at
G47, Malkaganj, Delhi – 110007.
3. Dr. Roshina Naeem Post: Sr. Residents,
W/o Dr. Azeem Ahmad,
R/o A-626, Budh Bazar Road, Camp No. 2,
Nangloi, New Delhi – 110041.

All Working as Senior Resident Doctor in Hindu Rao
Hospital & NDMC Medical College,
Malka Ganj, Delhi – 110007.

...Applicants

(By Advocate: Mr. Anurag Lakhotia)

VERSUS

1. Govt. of NCT of Delhi,
Through its Secretary,
Department of Health and Family Welfare,
9th Level, A Wing, Delhi Secretariat,
I.P. Estate, New Delhi – 110002.



2. Medical Superintendent,
Hindu Rao Hospital & NDMC Medical College,
Malka Ganj, Delhi – 110007.

...Respondents

(By Advocate: Mr. R. V. Sinha with Mr. Amit Sinha, Ms. Esha Mazumdar and Mr. M. S. Reen)

ORDER (Oral)

Hon'ble Mr. Justice L. Narasimha Reddy:

The applicants completed the Post Graduation Medical courses. Thereafter, they have been appointed as Senior Residents in the 2nd Respondent hospital. Initial engagement was for period of 44 days and thereafter it is being extended at various point of time. Recently, the respondents issued a notification inviting applications for engagement of Senior Residents in the 2nd Respondent herein. The applicants apprehend that they may be replaced with the newly appointed candidates and accordingly they have filed this OA. They rely upon the decision rendered by this Tribunal in OA No. 1817/2017 dated 26.10.2017.

2. We heard Sh.Anurag Lakhotia, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents at the stage of admission.



3. The senior residency in a hospital had dual purpose to serve. The first is from the point of view of the Hospital and the second is from the point of view of the Post Graduate Doctors. The candidates, get eligibility to be considered for teaching assignments on completion of three years residency. It is mainly with a view to get the eligibility, that most of the Post Graduate Doctors join the senior residency. The Tribunal, took note of this and other relevant facts that held that a candidate who joins the senior residency must be permitted to continue for a period of three years. The said judgment has become final. Despite these developments, the respondents are adopting practice of engagement of Senior Residents for a few months or days and making the very engagement futile.

4. We are of the view that the engagement as Senior Resident once made, shall be for a period of three years subject to the candidate maintaining good conduct and attention to work.

5. We, therefore, dispose of the OA directing that the applicants shall be continued as Senior Residents till they complete three years, subject to their maintaining good conduct and exhibiting proper attention to work assigned to them. The respondents shall also consider the



feasibility of engaging the Senior Residents for the entire period of three years instead of making it for shorter periods and providing avenues for litigation.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (J)

(Justice L. Narasimha Reddy)
Chairman

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