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Case No. CCP No. 6 of 1988

in  
DA No. 1390 of 1988

Dalvir Singh Vs. V.V. Vasudevan

2-6-1988

Present:- Mr. K.N.R. Pillai, Advocate for the applicant.

Mr. P.P. Khurana, Advocate for the respondents.

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ORDER:-

In the rejoinder filed by the petitioners they point out that the respondents have not accounted for all the 27 vacancies of Junior Medical Officers, which according to him, had been filled up by appointment of ad hoc Junior Medical Doctors. However that is not the requirement of law. Once the respondents say that the principle of 'last come first go' has been strictly adhered to, it means there was no vacancy lying unfilled at the time the services of the petitioners were terminated. It was then for the petitioners to discharge <sup>the</sup> ~~the~~ onus of ~~xx~~ proving that there was a vacancy in fact, which was lying unfilled and against which one of the petitioners could be adjusted. There is no such averment. As for other grievances of the petitioners that they have not been given regular pay scales or their breaks in service have not been condoned, the Counsel for the respondents has rightly pointed out that no such grievance can be ventilated in the Contempt of Court application. However, it will be open to the petitioners to agitate this aspect of the matter if no such compliance has been made so far.

This application stands disposed of with this observation.

2/6/88  
(Birbal Nath),  
AM

J. D. Jain  
(J.D. Jain),  
VC