

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

Regn. No. OA-391/87

Date of decision: 5.2.1993.

Dr. (Mrs.) Achla Khanna Applicant

Versus

Employees State Insurance Respondents
Corporation.

For the Applicant Shri Ashok Agarwal, Advocate

For the Respondents Shri G.R. Nayar, Advocate.

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice-Chairman(J).

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member.

1. To be referred to the Reporters or not? *Mo*

JUDGEMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

We have gone through the records of the case and have
heard the learned counsel for both the parties. The applicant
was duly selected by a Selection Committee for appointment to
the post of Insurance Medical Officer for a period not exceeding
60 days. She joined the office of the respondents on 5.2.1986
and worked till 5.5.1986, when her services were discontinued.
She has alleged that at that point of time, as many as 20 employees
working as Medical Officers, who were junior to her, were retained.

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The learned counsel for the respondents, however, stated that those who were continued after the termination of the services of the applicant, had not completed their respective terms of appointment.

2. The applicant has relied upon the judgement of this Tribunal in Dr. (Mrs.) Prem Lata Chaudhry Vs. ESIC, 1987 (3) A.T.C. 879, in which the Tribunal had held that the termination of the services of the applicant therein was illegal and that she was entitled to reinstatement in service. The learned counsel for the respondents stated that on 14.8.1987, the Supreme Court has stayed the operation of the judgement of the Tribunal.

3. The learned counsel for the respondents stated that there are no vacancies at present in which the applicant could be accommodated. The respondents also have discontinued the practice of engaging Medical Officers on ad hoc basis. Regular appointment of Medical Officers is done in accordance with the provisions of the ESIC Act, 1948 through the U.P.S.C.

4. In the instant case, there is no impugned order of termination as such. Her term was not continued after 5.5.1986.

5. After hearing both the sides, we are of the opinion that the applicant is not entitled to the relief sought in the present application. The appointment to the post of Medical Officer is to be made in accordance with the relevant recruitment rules through the U.P. S.C. As no vacancies exist in the post of Medical Officer, no mandatory directions can be issued to the respondents to take her in service at this stage. The application is accordingly dismissed. There will be no order as to costs.

B.N. Dholiyal
(B.N. Dholiyal) S/453
Administrative Member

Parvin
5/4/83
(P.K. Kartha)
Vice-Chairman (Judl.)