

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

* * *

OA 820/87

13.10.1992

Shri (Dr.) Witya Nand
Kulshreshtha & Another

...Petitioners

Vs.

Delhi Administration

...Respondents

CORAM :

Hon'ble Shri I.K. Rasgotra, Member (A)
Hon'ble Shri J.P. Sharma, Member (J)

For the Petitioners

...None

For the Respondents

...Ms. Sumedha Sharma, proxy
counsel for Mrs. Avnish
Ahlawat, counsel

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT (ORAL.)
(DELIVERED BY HON'BLE SHRI I.K. RASGOTRA, MEMBER (A))

Neither the petitioners nor their counsel is present. However, keeping in view the fact that it is an old matter, we consider it proper to dispose of the case on merit. The learned proxy counsel for the respondents is present.

Dr. Witya Nand Kulshreshtha and Dr. Sudhir Chadha were appointed as Senior Resident Doctors in General Surgery Department at Deen Dayal Upadhyay Hospital, Hari Nagar, New Delhi on ad hoc basis initially for a period of 89 days vide orders dt. 17.3.1986 and 21.11.1986 respectively. The terms and conditions of their appointment are detailed in the appointment orders at Annexure A1 and B respectively. It has been clearly stated in para 2(i), "That the appointment is on

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purely emergent basis till such time a regularly selected candidate reports for duty. His/her services can be terminated at any time without any notice and reasons being assigned therefor." The grievance of the petitioners is that since they have worked initially for 89 days as Senior Resident Doctors which period was subsequently extended till 22.5.1987 and 26.5.1987 respectively vide order of the respondents dt. 25.4.1987 with one or two days' break, they have a right to be regularised against the post of Senior Resident Doctors in the General Surgery Department.

The respondents in their counter have stated that there were 11 vacancies in the General Surgery Department and a requisition to fill up these posts was placed on the Employment Exchange to sponsor the candidates. Both the petitioners appeared in the interview along with 170 sponsored candidates before the Selection Committee on 10.2.1987. Both the petitioners, however, did not find place in the merit list. A further selection was held to fill up 22 more posts on 19.5.1987. According to the respondents, the names of the petitioners were not sponsored by the Employment Exchange. However, the petitioners in para 6(d) of their rejoinder have stated that the applicants had in fact appeared for the interview on 15/18th September, 1987, but in the second selection held on the said dates again they were not placed on the Select List.

In view of the facts as brought on record, we are satisfied that the petitioners had been provided reasonable and adequate opportunity for getting their services regularised by appearing before the Selection Committee. Since they failed to make the grade and find a place in the Select List, we are not inclined to interfere in the matter. The OA is accordingly dismissed. No costs.

J. P. Sharma

(J.P. SHARMA)
MEMBER(J)
13.10.1992

I. K. Rasgotra

(I.K. RASGOTRA)
MEMBER(A)
13.10.1992