

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO. O.A. 948/87.

DATE OF DECISION: 27.11.1992

D.S. Dubey.

...Petitioner.

Versus

Union of India & Ors.

...Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.

...None.

For the Respondents.

Mrs. Raj Kumari Chopra,
Counsel.

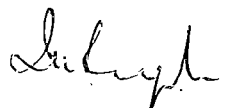
JUDGEMENT (ORAL)

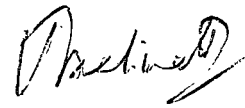
(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

The petitioner has challenged in this case the orders of the Government dated 18.3.1987 and 19.3.1987 appointing Respondent No. 3 to hold temporary charge of the post of Director, G.B. Pant Hospital, New Delhi w.e.f. 19.3.1987 in addition to his own duties. It is made clear that he will not be entitled to any extra remuneration for performing the current duties of the said post. He has further prayed for a direction that the petitioner should be appointed in place of Respondent No. 3 to look after the post of Director till the post is filled up on a regular basis. It is thus clear that it is only a temporary stop gap arrangement made pending regular selection to the post, in question.

2. The case of the petitioner is that he is senior to Respondent No. 3, he is eligible for regular recruitment in accordance with the rules and that Respondent No. 3 has not yet become eligible. As it is only a stop gap arrangement pending regular recruitment, this is not a case which merits interference. It is not possible to understand the order as conferring unjust benefits on Respondent No. 3 and denying the same to the petitioner who claims to be senior. The order makes it clear that Respondent No. 3 shall perform the additional functions in addition to his own duties for which he is not required to be paid any additional emoluments. Thus, by the impugned arrangement, Respondent No. 3 does not gain any advantage about which the petitioner can legitimately make complaint. It is also ^{the case} not /that Respondent No. 3 has been picked and chosen for favourable treatment as is clear from the reasons assigned for making the temporary arrangement impugned in this case. It is stated in paragraph (xv) of the reply that Respondent No. 3 has only been asked to look after the duties of the post of Director, G.B. Pant Hospital, New Delhi in addition to his own duties because he is the seniormost Professor in the Speciality of Cardiology and G.B. Pant Hospital, New Delhi is primarily a super speciality Hospital in Cardiology. The arrangement has been made keeping in view the public interest and that of the Institution itself. It is further stated that Respondent No. 3 was

asked to look after the duties of the post of Director, G.B. Pant Hospital because he belongs to the speciality of Cardiology and he is ^{the} seniormost Professor in that speciality and G.B. Pant Hospital is for all practical purposes a super-speciality Hospital in Cardiology. In paragraph (xxi) it is stated that the petitioner is already working as Professor of Anaesthesiology in JIPMER Pondicherry and is holding temporary charge of Dean in the same institution ^{just} as Respondent No. 3 is holding the additional charge at G.B. Pant Hospital. It is further stated that if the petitioner was asked to come and hold the charge of the post of Director, it would have dislocated the work at Pondicherry without any advantage. As Respondent No. 3 is holding additional charge, there is no dislocation of work involved. It is, therefore, clear that the appointment made is very much in public interest. The petitioner does not belong to the speciality of Cardiology and hence could not be regarded as ^a better person than Respondent No.3 who has a speciality in Cardiology particularly having regard to the fact that G.B. Pant Hospital is primarily a super-speciality Hospital in Cardiology. Hence, we are satisfied that the arrangement has been made in public interest and it does not, therefore, call for any interference. This petition fails and is accordingly dismissed. No costs.


(I.K. RASGOTRA)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN