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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 1957/90

Date of decision: 27.02.1992.

Shri Mohd. Ikram

...Applicant

Vs.

U.O.I. through Secretary
Min. of Health & Family
Welfare, Nirman Bhawan,
New Delhi.

...Respondents

For the Applicant

...Ms. Sandhya Goswami,
Counsel

For the Respondents

...Shri P.H.
Ramchandani, Sr.
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT (ORAL)

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

We have heard the learned counsel of both parties.

The applicant who is working as an ad hoc Medical Officer in the Safdarjung Hospital, New Delhi, is aggrieved by the impugned order dated 18.06.1990 issued by the respondents whereby certain directions have been made regarding the posting of ad hoc Medical Officers. He has also asked for quashing the impugned order dated 20.06.1990 whereby ^{he} ~~the applicant~~ has been posted at Bombay.

2. The applicant was appointed as a Medical Officer on an ad hoc basis in June, 1989 in the wake of agitation and strike by Jr. Resident Doctors in Delhi. A batch of applications filed by such Doctors was disposed of by judgment dated 08.10.1991 (OA 1259/90 and connected matters - Dr. Jitender Singh & Others Vs. U.O.I. through the Secretary, Ministry of Health & Family Welfare and Others). The applicant is also similarly placed and in our opinion, he deserves to be regularised by treating him as forming a separate block along with similarly situated persons and on the basis of the evaluation of his work and service records. After he is so regularised, it will be open to the respondents to post him at a place where vacancy exists.

3. The application is disposed of on the same lines as in the case of Dr. Jitender Singh & Others. The respondents are directed to refer the case of the applicant to the Union Public Service Commission for the purpose of regularisation of his services as Medical Officer. He should be treated as forming a separate block along with similarly situated persons for the purpose of regularisation. Regularisation should be based on the evaluation of ^{his} work and service records. After his services are so regularised through the UPSC, his seniority shall be reckoned from the date of his initial appointment on ad hoc basis as Medical Officer after condoning the technical breaks in his ad hoc

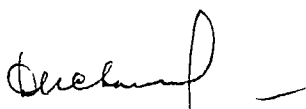
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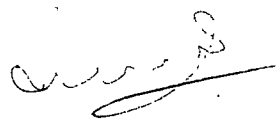
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service. Till the applicant is so regularised, the respondents are directed to accommodate the applicant at his present place of posting. He would also be entitled to the same pay scales, allowances and benefits of leave, increments etc. and other service conditions as are admissible to regularly appointed Medical Officer. In the facts and circumstances of the case, we do not direct the respondents to pay to the applicant arrears of pay and allowances for the past period.

4. The respondents shall comply with the above directions, as expeditiously as possible, but preferable within 4 months from the date of receipt of this order.

There will be no order as to costs.


(D.K. CHAKRAVORTY)
MEMBER (A)
27.02.1992


(P.K. KARTHA)
VICE CHAIRMAN (J)
27.02.1992

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