

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH NEW DELHI

OA. No.2392/90

New Delhi, dated the 3 December, 1994

CORAM

Hon'ble Shri N.V. Krishnan, Vice Chairman(A)  
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Dr. Dinesh Kumar Sharma,  
r/o Z-7, Sarojini Nagar,  
New Delhi

... Applicant

(None for the applicant )

Versus

1. The Secretary, Ministry of Health,  
Nirman Bhawan, New Delhi
2. Secretary, Delhi Admn., Old Sectt.,  
Delhi.
3. Medical Superintendent,  
G.T.B. Hospital, Delhi

... Respondents

(MS Rashmi Chhabra proxy counsel for  
Mrs Avnish Ahlawat, counsel for the  
respondents)

ORDER (ORAL)

(Hon'ble Shri N.V. Krishnan, Vice Chairman (A))

The prayer in this O.A. is that appointment  
letter dated 16.11.90 be treated as regular appointment  
of the applicant against the substantive vacant post  
of Senior Resident Orthopedics.

2. There is no such letter of appointment. The  
letter dated 16-11-90 at page 14 is only an offer of

appointment for 60 days from the date of joining or till the regular incumbent joins, whichever is earlier, with a further condition that it is liable to be terminated without notice.

3. We have today dismissed OA 2390/90 (Dr. Sanjay Kumar Geelv/s Secretary, Ministry of Health) in which a similar prayer was made. The only difference is that, in that case, the order of appointment was also exhibited and the adhoc appointment was for 89 days as Senior Resident in Department of Surgery. That order squarely applies to this case also.

4. For the reasons mentioned in that order (copy enclosed) this application is dismissed. The interim order issued on 20-11-90 directing the respondents not to terminate the services of the applicant, which has been continued till further orders on 4-12-90, is vacated.

Lakshmi Swaminathan  
(Lakshmi Swaminathan)  
Member (J)

N.V. Krishnan  
3/12/90  
(N.V. Krishnan)  
Vice Chairman (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH NEW DELHI

O.A. No.2390/90

New Delhi, dated the 3th December, 1994

CORAM

Hon'ble Shri N.V. Krishnan, Vice Chairman (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Dr. Sanjay Kumar Goel,  
r/o H-1, Patel Nagar,  
Ghaziabad (UP)

..Applicant

(None for the applicant )

Versus

1. Secretary,  
Ministry of Health, Nirman Bhavan,  
New Delhi.
2. Secretary,  
Delhi Admin. Old Sectt.,  
Delhi.
3. Medical Superintendent,  
G.I.B. Hospital, Shahdara, Delhi.

..Respondents

(MS Rashmi Chhabra proxy counsel for  
Mrs Avnish Ahlawat, counsel for the  
respondents)

ORDER (ORAL)

(Hon'ble Shri N.V. Krishnan, Vice Chairman (A))

The applicant was offered the post of  
Senior Resident in the Department of Surgery on adhoc  
basis vide the letter dated 25-8-90 (Page 14 of the  
paper book) for 89 days from the date of joining or  
till the regular incumbent joins, whichever is  
earlier.

2. Accepting the offer, the applicant joined on 25-8-90. An order of appointment was issued on 26-9-90 (Ann-B) (Page 16) in respect of the applicant and 6 others making it clear that it was an adhoc appointment for 89 days or till the regular incumbents join the department whichever is earlier and that their services will automatically stand terminated on the happening of either event.

3. This O.A. was filed immediately thereafter on 19-11-90 (i.e. before the happening of any event) for a direction that the appointment order be treated as an order of regular appointment.

4. The only ground urged is that this is permanent vacancy and that, therefore, there was no reason why the applicant's appointment should not be treated as regular.

5. The application was admitted on 20.11.90 and an ad-interim order was issued not to terminate the services of the applicant which has been continued until further orders on 4-12-1990.

6. In their reply the respondents state, inter-alia, that the Technical Recruitment Cell(TRC) / recommended candidates for regular appointment. In the meanwhile, the applicant was directly appointed by the M&PH Department, hence appointment was made only on adhoc basis.

7. We are of the view that, in these circumstances, the order of appointment cannot be faulted when it treated the appointment as adhoc. The applicant cannot claim that the order of appointment should be treated as regular appointment. That prayer has no merit.

8. Hence the OA is dismissed. Interim order passed in this case on 20-11-90 is also vacated.

SD/-  
(Lakshmi Swaminathan)

SC/-  
(N.V. Krishnan )

Member (J)

Vice Chairman (A)