

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(8)

Regn.No. (1) OA 1409/91
(2) CCP 200 of 1991 in
OA 1409/91

Date of decision: 10.01.1992.

(1) OA 1409/91

Shri K.P. Sharma

...Applicant

Vs.

Union of India through
the Secretary, Ministry
of Health & Family Welfare
and Others

...Respondents

(2) CCP 200/91 in
OA 1409/91

Shri K.P. Sharma

...Applicant

Vs.

Dr. Narender Behari,
Medical Superintendent,
Ram Manohar Lohia Hospital,
New Delhi.

...Respondents

For the Applicant

...Shri A.K. Bhardwaj,
Counsel

For the Respondents

...Shri M.L. Verma,
Counsel

CORAM:

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

THE HON'BLE MR. B.N. DHOUNDIYAL, 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? *M*

JUDGMENT

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

The applicant who has worked as ad hoc Medical Officer
in the Radiology Department, Dr. Ram Manohar Lohia Hospital
(RML Hospital), New Delhi, has sought for two main reliefs;
namely, to direct the respondents to pay his salary for the
period since 4.3.1990 and to reengage him as ad hoc Medical
Officer like other ad hoc Medical Officers who were applicants

in OA 2314 of 1989 in which certain directions were issued to the respondents on 2.2.1991 in this regard.

2. On 7.6.1991, when the application came up for admission, the Tribunal passed an interim order directing the respondents to pay the salary of the applicant for the period of service rendered by him as ad hoc Medical Officer in R.M.L. Hospital, if this has not already been done.

This was on the basis of the statement made by the learned counsel for the applicant that the applicant has worked as ad hoc Medical Officer in R.M.L. Hospital from 4.3.1990 to 30.11.1990 and on perusal of copies of some documents annexed to the application.

3. CCP 200/91 has been filed by the applicant alleging that the respondents did not comply with the aforesaid directions.

4. We have gone through the records of the case and have considered the rival contentions. The admitted factual position is that the applicant was appointed as Medical Officer on ad hoc basis by order dated 21.6.1989 for a period of six months in the first instance. From 14.8.1989 to 4.3.1990, he did not work in the R.M.L. Hospital as he was stated to be suffering from Viral Hepatitis and had been advised rest. He produced a medical certificate to that effect to the H.O.D. Medical Superintendent, Deptt.

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of Radiology, R.M.L. Hospital which was forwarded on 19.6.1990. On 5.11.1990, the Chief Medical Officer, R.M.L. Hospital issued an Office Memorandum addressed to the H.O.D.(Radiology), R.M.L. Hospital wherein it was stated that the applicant worked for 67 days and left his duties without information and that he was no longer on the rolls of either of the Hospital or of the Ministry of Health since he left his duties. Accordingly, he had no locus standi and was not eligible to work.

5. The applicant has produced photocopies of roster of duty for the months from May to December, 1990, acknowledgement of work performed during March to October, 1990 and Attendance Registers for the months of September to November, 1990. These documents pertain to the Radiology Department in which the applicant was originally appointed on ad hoc basis. The respondents have argued that the aforesaid documents have been prepared with the connivance of the Radiology Department and in an unauthorised manner. To substantiate this, they have produced copies of certain internal notings and correspondence from which it would transpire that the question of the genuineness of the medical certificate produced by the applicant is the subject matter of enquiry and investigation by the C.B.I. The relevant file has been handed over to the C.B.I. by the Chief Medical Officer (Academic) of the R.M.L. Hospital on 11.1.1991.

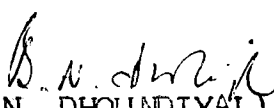
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6. In the above factual background, we are of the opinion that it will not be appropriate to grant the reliefs sought in the present application at this stage. The respondents should, however, expedite the enquiry and take appropriate action as early as possible but in no event later than 30.6.1992. In case the applicant feels aggrieved by the decisions taken by the respondents, he will be at liberty to file a fresh application in accordance with law, if so advised.

7. The application is disposed of on the above lines.
CCP 200/91 is also disposed of without passing any orders
in view of the aforesaid observations and the notice of
contempt is discharged. There will be no order as to costs.

Let a copy of this order be placed in OA 1409/91 and in CCP 200/91.


(B.N. DHOUNDIYAL)
MEMBER (A)


(P.K. KARTHA)
VICE CHAIRMAN(J) 10/11/92

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