

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(1)

Regn.No.(1) OA 2697/91
(2) OA 2698/91

Date of decision:05.05.1992

(1) OA 2697/91

Shri Vinod Kumar

...Applicant

Vs.

Medical Superintendent, ESI Hospital & Anr. ...Respondents

(2) OA 2698/91

Shri Devinder Kumar

...Applicant

Vs.

Medical Superintendent, ESI Hospital & Anr. ...Respondents

For the Applicants in (1) and (2) above ..Shri V.P. Trikha,
Counsel

For the Respondents in (1) & (2) above ...Shri D.P. Malhotra,
Counsel

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice-Chairman(J)

The Hon'ble Mr.I.K. Rasgotra, 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. Kartha,
Vice-Chairman(J)

The applicants have worked as Nursing Orderlies on daily rated basis in the ESI Hospital. They are claiming regularisation as Nursing Orderlies.

2. Similar issues were considered in OA 2602/91 which was disposed of by judgment dated 30.03.92 (Bijendra Singh Vs. ESI Corporation and Others).

3. We are of the opinion that the applicants before us are also entitled to the same relief. Accordingly, the applications are disposed of with the direction to the respondents to consider the appointment of the applicants as Nursing Orderlies on regular

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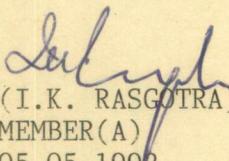
basis in accordance with the relevant Recruitment Rules. For this purpose, the respondents shall dispense with the requirement of ~~d~~ by the Employment Exchange ~~as~~ the names of the applicants being sponsored ~~as~~ their names had earlier been sponsored by the Employment Exchange. The respondents should also give to the applicants relaxation in age to the extent of the service put in by them provided they were within the age limits at the time of their initial engagement as Nursing Orderlies on daily wages basis. Till the applicants are considered for regularisation as mentioned above, they shall be accommodated as Nursing Orderlies on daily wages basis. The applicants who have worked as Nursing Orderlies on daily wages basis would have preferential claims over other persons with lesser length of service and outsiders in the matter of appointment as Nursing Orderlies on regular basis.

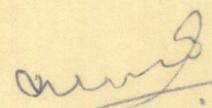
4. The interim order passed on 20.11.1991 directing the respondents to maintain status quo as regards the continuance of the applicants as Nursing Orderlies on daily wages basis are hereby made absolute, subject to the aforesaid observations and directions.

5. In case the applicants are found suitable for appointment to the post of Nursing Orderlies on regular basis, the respondents shall pass appropriate orders accordingly.

6. The applications are disposed of accordingly. There will be no order as to costs.

Let a copy of this order be placed in both the case files.


(I.K. RASGOTRA)
MEMBER(A)
05.05.1992


(P.K. KARTHA)
VICE CHAIRMAN(J)
05.05.1992

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