

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

(A)

O.A. No. 2730/91
T.A. No.

199

DATE OF DECISION 3.1.1992.

Dr. E. Ratnavalli

Petitioner Applicant

Shri R. Venkateswaramani

Advocate for the Petitioner(s)

Versus

Delhi Administration & Another Respondent

Smt. Avinash Ahlawat

Advocate for the Respondent(s)

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

The Hon'ble Mr. B.N. Dheundiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? / No
4. Whether it needs to be circulated to other Benches of the Tribunal? / No

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

The issue arising in this application relates to the tenure of the applicant as Senior Resident in the G.P. Pant Hospital, New Delhi.

2. The applicant was appointed by Memorandum dated 25.10.1988 to the post of Senior Resident (Neurology) on surely ad hoc and emergent basis in M.A.M. College, and associated LNJPN Hospital and G.B. Pant Hospital, New Delhi, for a period of 89 days or till new D.M. student joined, whichever was earlier. Her appointment has been continued thereafter on the same terms.

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3. The present application was filed in the Tribunal on 18.11.1991 and an interim order was passed on 19.11.1991 directing the respondents to continue her as Senior Resident in G.B. Pant Hospital. The interim order has thereafter been continued till the case was finally heard and orders reserved on 19.12.1991.

4. We have gone through the records of the case carefully and have heard the learned counsel for both the parties. The appointment of the applicant as Senior Resident was in accordance with the Residency Scheme set out in the letter dated 22.4.1974 of the Ministry of Health & Family Welfare which stipulates, inter alia, that the tenure of Senior Residency will be three years. The applicant completed that period on 24.10.1991. She joined as D.M. Student on 3.7.1989 for a period of two years upto 30.6.1991. She has completed that course also.

5. The applicant is aggrieved that the G.B. Pant Hospital by order dated 9.8.1991, has granted her extension on the last occasion only upto 30.9.1991 or till new D.M. student joins, whichever is earlier. According to her, she should be allowed to continue for a full term of three years, ignoring the period of her ad hoc appointment.

6. The respondents have stated in their counter-affidavit that the applicant has no right to be retained

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on the post of Senior Resident as she has already completed three years. They have further stated that she has also completed her D.M. Course in Neurology in June, 1991, but she was given another extension only to enable her to complete three years of Senior Residency in Neurology. They did not consider her extension beyond 14.11.1991 in public interest as she has already completed her term and in view of her general unsuitability. The Delhi University has recommended two new doctors for appointment as Senior Residents in August, 1991 and that the applicant should give way to one of them.

7. We see force and merit in the above contention raised by the respondents. The post of Senior Resident being a tenure post, the applicant has no legal right to continue in the said post after she has completed the normal tenure of three years. Her unsuitability or otherwise for continuing in the post thereafter, is not, therefore, relevant.

8. In the above view of the matter, there is no merit in the present application. The application is, therefore, dismissed. There will be no order as to costs.

B. N. Dholiwal
(B.N. Dholiwal) 31/1/92
Administrative Member

31/1/92
(P.K. Kartha)
Vice-Chairman (Judl.)