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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

OA NO. 2847/91

..

Date of decision: 25.09.92

Dr. Anil Kumar Rawat .. Applicant
Sh. B.S. Jain .. Counsel for the applicant
Versus
Union of India .. Respondents
Sh. M.C. Garg .. Counsel for the respondents

CORAM

Hon'ble Sh. P.K. Kartha, Vice Chairman (J)

Hon'ble Sh. B.N. Dhoundiyal, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporters or not ? *no*

JUDGEMENT

(Of the Bench delivered by Hon'ble Sh. B.N. Dhoundiyal, Member(A)

Dr. Anil Kumar Rawat, a Senior Resident for General Surgery, working on ad-hoc basis at the L.N.J.P.N. Hospital, New Delhi is aggrieved that he has not been regularised by the respondents though his juniors have been regularised.. The applicant cleared the M.S. Examination in August, 1989 and thereafter was given ad-hoc appointment in M.S. General Surgery with effect from 6.10.89. His term was continually *fw*

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extended with technical breaks from time to time and though the term of every Senior Resident is only for 3 years, he was not given regular appointment for this period. He has mentioned the cases of his juniors, Dr. Dhingra, Dr. Praveen Bhatia and Dr. Pradeep Jain who have been given regular appointments as Senior Residents. His academic record compares favourably with all these regular appointees. The applicant has prayed that the respondents be directed to treat him as a regular Senior Resident from the date of his ad-hoc appointment i.e. 6.10.89 and give him all the benefits such as regular increments, medical leave etc.

2. On 29.11.91, this Tribunal issued an interim order restraining the respondents from terminating the services of the applicant from the post of Senior Resident in L.N.J.P.N. Hospital, New Delhi.

3. The respondents have explained how regular candidates for Senior Residents are selected by a Technical Recruitment Cell on the basis of the established procedure. However, as Doctors were always in search of better jobs, ad-hoc appointments have to be made till regular incumbents are selected. The selection of regular incumbent has

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nothing to do with the appointment of the applicant on ad-hoc basis. Thus, Dr. Dhingra was appointed on the regular post by the Technical Recruitment Cell. The respondents have filed an MP in which they have stated that the applicant had submitted his resignation from the post of Senior Resident with effect from 1.8.92. From a copy of the representation dated 17.11.91, it is clear that the applicant also appeared for the interview held in Jan. 1990 and Nov. 1990 but was not selected on regular basis. He has himself mentioned that on the basis of interview held in Jan. 1990, Dr. Dhingra was regularised as Senior Resident and in Nov. 1990, Dr. Praveen Bhatia and Dr. Pradeep Jain were regularised. It is not for this Tribunal to pass any order regarding the validity of these selections, which were made by the Groups of Experts. The applicant has not alleged any malafide.

4. In the facts and circumstances of the case and taking into the fact that the applicant has already worked for more than 2 years as Senior Resident, it would be in the interest of justice to allow him to complete the remaining period of his term on ad-hoc basis, if vacancy ^{by}

exists, in preference to his juniors and outsiders.

We order and direct accordingly. The applicant, if he so desires, may make an application for re-engagement as Senior Resident within a period of one month from the date of this order and if he does so, he shall be given an opportunity to complete the prescribed period of 3 years.

The parties will bear their own costs.

B.N.Dhundiyal
(B.N. Dhundiyal) 13/5/72

P.K.Kartha
(P.K. Kartha)

Member (A)

Vice Chairman (J)

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