

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

RA.323/92 IN
OA.2847/91

Date of Decision: 12.04.1993

Dr. Anil Kumar Rawat

Applicant

Versus

Union of India through
L.N.J.P.N. Hospital

Respondents

Shri B.S. Jain

Counsel for the applicant.

CORAM: The Hon.Member'(J) Shri C.J. ROY.
The Hon.Member'(A) Shri B.N. DHOUNDIYAL.

JUDGEMENT'Oral'

'of the Bench delivered by Hon.Member'(A) Shri B.N.Dhouniyal'

This RA has been filed by Dr. A.K. Rawat requesting for recalling of the judgement of this Tribunal dated 25.9.92 on the ground that due to the wrong filing of the paper, this Tribunal had erroneously noted that the petitioner had already resigned from the post of Resident Doctor. He has produced before us copy of order dated 19.12.92, which shows that the term of Dr. Anil Kumar Rawat was extended from 5.10.92 to 26.10.92. The learned counsel for the applicant states that with this extention, the applicant had completed 3 years prescribed period of service for the residency.

2. It is clear that this is ~~the~~ error apparent on the face of the judgement and this is ~~to~~ fit case where ~~our~~ judgement dated 25.9.92 should be recalled. We, therefore, direct that in view of the applicant having completed 3 years period of residency, the orders passed by this Tribunal in the case of his colleague Sarika Jain in OA 2454/91 decided on 25.9.92 shall apply in his case also. The operative portion of the judgement as contained in para-4 shall be deleted and substituted by the following:-

...2...

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"As the senior residents cannot be extended beyond the maximum period of 3 years, we do not find any justification for extending the adhoc appointment for more than 2 years with technical breaks. We, therefore, hold that the applicant should be deemed to have been given regular appointment for 3 years as senior resident w.e.f. 6.10.89 and he should be entitled to increments and all other benefits to which a regular appointee is entitled to. For this purpose, the technical breaks should be condoned. The respondents are directed to pay the amount due to the applicant on the said basis for the period of service rendered by him, expeditiously and preferably, within a period of 2 months from the date of receipt of this order."

The RA is disposed of accordingly with no order as to costs.

B.N. Dhundiyal
(B.N. DHUNDIYAL)
MEMBER(A)
13.4.93

C.J. Roy
(C.J. ROY)
MEMBER(J)
13.4.93

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