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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH,**

OA NO. 2194/2004

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New Delhi, this the 30th day of July, 2007

**HON'BLE MR. JUSTICE V.K.BALI, CHAIRMAN
HON'BLE SH. L.K.JOSHI, VICE CHAIRMAN (A)**

1. Lalit Kumar Vimal.
S/o late Chanderpal Vimal
O.T. Technician
Dr. B.S.Ambedhar Hospital
Govt. of NCT of Delhi.

R/o 235/1. Sector-VI.
Pkt. D-6, Rohini,
Delhi-110085.
2. Neeraj Xavir Thakur,
S/o Sh. Xavier Peter Thakur,
O.T.Assistant,
E.S.I.Hospital, Basai Darapur,
Delhi.

R/o H.No.240. Vill. Pooth Khurd.
Delhi-110039.
3. Shital Prasad
S/o Sh. Kasturi Lal
O.T.Assistant,
E.S.I.Hospital, Basai Darapur,
Delhi.

R/o P-4/485. Sultanpuri.
New Delhi-110041.
4. Ajay Kumar
S/o Sh. Gopal Singh
O.T.Assistant
Dr. Hedgewas Hospital
Govt. of NCT of Delhi.

R/o 125-C, DDA Flats,
Mansarovar Park,
Shahdara, Delhi-110032.

.... Applicants

(None).

Versus

1. Govt. of NCT of Delhi
through
The Principal Secretary (Health),
Department of Health & Family Welfare,
Delhi Secretariat.
New Delhi-110002.

2. Sh. D.M.Kheneta,
Additional Secretary (Health),
Govt. of NCT of Delhi,
Delhi Secretariat,
New Delhi-110002.

3. Sh. Sandeep Sharma
C-4/185, Yamuna Vihar,
Delhi-53.

4. Sh. Pawan Kumar
Flat No.162, 2nd Floor,
Block- BK-1,
Shalimar Bagh,
Delhi-110088.

5. Sh. Sanjay,
O.T.Technician,
D.D.U. Hospital,
Hari Nagar,
New Delhi.

.... Respondents

(By Advocate: Sh. Vijay Pandita for respondents No.1 & 2
Sh. Sachin Chauhan for respondent No.3).

ORDER (ORAL)

Justice V.K.Bali, Chairman;

When the matter came up for hearing on 19.7.2007, we passed the following order:-

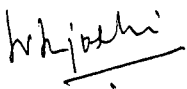
“On 28.5.2007 the applicant who appeared in person stated that identical case pending in Hon’ble Delhi High Court. Details of the said case were required to be given. Besides that respondents were asked to give details of recognized institutions. Counsel for parties are not able to make a positive statement with regard to status of the case pending in Hon’ble Delhi High Court. With a view to make a proper statement, they seek some time. List on 30.7.2007.”

2. No one appears in support of this application. Counsel for respondents, however, handed over to us two orders passed by Hon’ble Delhi High Court out of which one is passed by Single Judge in Writ Petition (C) No.3735/2003 in the matter of Ram Pravesh Roy vs. Govt. of NCT of Delhi and another decided on 12.5.2005 whereas the other is passed by Division Bench in Writ Petition (C) No. 5396-98/2005 in the matter of Rajendra Singh Negi & Ors. vs. National Capital Territory decided on 27.4.2005. In WP (C) No.5396-98/2005 Rajendra Singh Negi (supra), challenge is to the order dated 11.8.2004 in OA-2941/2003. The OA was dismissed by the Tribunal and this judgment has been affirmed by Hon’ble Delhi High Court.

3. When we started dictating order, by that time no one had appeared in support of this application. However, during the course of dictation, L.K.Vimal, applicant appeared

in person and stated that the cases before the Hon'ble High Court, copies of judgment of which have been produced by respondents would not be relevant as the applicant had passed diploma course in Operation Theatre Technology from CMC Medical College, Vellore whereas the petitioners in Civil Writ Petition before the Hon'ble High Court had passed diploma course in Operation Theatre from Institute in Delhi.

4. We have heard the applicant who appeared in person and learned counsel for respondents. It was a case of the counsel for applicant himself when he appeared on the last date of hearing that identical cases are pending in the Hon'ble Delhi High Court. It is however a different matter that by the time aforesaid statement was made, the cases in Hon'ble Delhi High Court had already been disposed of. We have perused the pleadings in the present case as also orders passed by the Hon'ble Division Bench of Delhi High Court. The pivotal question involved in both the matters is to whether the institutes from which the applicant in this case or the petitioner in writ petition No. 5396-98/2005 Rajendra Singh Negi (supra) were recognized by Govt. of NCT of Delhi or not. The institute from where the petitioner before the Hon'ble High Court has got diploma in Operation Theatre Technology was not recognized by Govt. of NCT of Delhi and for that precise reason, in the said writ petition he could not get any relief. In the present case even though the institute from where the applicant has done diploma may not be the same as of the petitioner in writ petition before Hon'ble Delhi High Court but the fact remains that from the institute from where the applicant has passed the diploma is also not recognized by Govt. of NCT of Delhi. This position is not disputed during the course of arguments. For parity of reasons given by the Hon'ble High Court, this application is dismissed.


(L.K. JOSHI)
Vice Chairman (A)


(V.K. BALI)
Chairman

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