

Central Administrative Tribunal
Principal Bench



CP No.152/2004
In
OA No.1108/2004

New Delhi this the 2nd day of June, 2004

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri Shanker Raju, Member (J)

Yogesh Kumar Verma and Others

-Applicants

(By Advocate: Shri Harvir Singh)

Versus

1. Shri J.B.R. Prasad Rao,
Secretary Ministry of Health and
Family Welfare, Nirman Bhawan,
New Delhi.
2. Shri S.P. Aggarwal,
Director General
Nirman Bhawan, New Delhi
3. Shri R.N. Salhan,
Medical Suptd.,
Safdarjung Hospital,
New Delhi.
4. Prof. R.S.S. Rao,
Principal Vardhman Mahavir Medical College,
Safdarjung Hospital, New Delhi.

-Respondents

(By Advocate: Shri S.M. Arif)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)

Learned counsel heard.

2. On 30.4.2004 the following orders were
passed in OA-1108/2004:-

"Present: Shri Harvir Singh, counsel for
applicants.

Heard.

MA-919/2004 for joining together in one
application in allowed.

Issue notice to the respondents on OA and

Vb

interim relief, returnable on 14.5.2004. Till then respondents are restrained from dispensing with the services of the applicants.

Dasti".

3. It has been stated on behalf of the applicants that applicants reached the respondents No.3 & 4 at about 5'o clock but the respondents refused to accept the order passed by the Tribunal. As such, they served a copy of the order to respondent No.3 and 4 on 1.5.2004.

4. On the other hand, learned counsel of respondents drawing our attention to Annexure R-1 dated 3.10.2003 stated that office timing in the Administration Section of Safdarjung Hospital is 9 A.M. to 4 P.M. from Monday to Friday and 9 A.M. to 1 P.M. on Saturdays and as such Tribunal's orders could not have been received by the respondents on 30.4.2004.

5. However, respondents had passed orders dated 29.4.2004 (Annexure R-9 of the respondents' reply in the OA) terminating the services of the applicants which was dispensed by the respondents vide Annexure R-3 of the CP on 30.4.2004 at 14:34 hrs. In view of the official timings of the Administration Section of Safdarjung Hospital and respondents having sent the orders relating to termination of the services of the applicants prior to service of the Tribunal's orders, CP is dropped. Notices to the respondents are discharged.

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-3-

OA-1108/2004

Applicants are allowed to amend the OA in order to challenge the order of termination of their services.

Respondents shall file reply to MA-1182/2004 within a week's time. OA and MA shall be considered finally on the next date of hearing on 8.7.2004.

S. Raju

(Shanker Raju)
Member (J)

cc.

V.K. Majotra

(V.K. Majotra) 2.6.04
Vice Chairman (A)