

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

REGN. NO. O.A. 182 /92.

DATE OF DECISION: 23.1.1992

Dr. Jatinder Singh Sawhney

... Applicant.

Versus

Delhi Administration & anr.

... Respondents.

CORAM:

HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.

HON'BLE MR. P.C. JAIN, MEMBER(A).

For the Applicant.

... Shri Ashok
Agarwal, Counsel.

JUDGEMENT (ORAL)

(Hon'ble Mr. Justice V.S. Malimath,
Chairman)

The petitioner in this case was appointed by an order dated 23.12.1991 for a period of 43 days or till regular incumbent joins whichever is earlier to the post of Senior Resident. The petitioner accepted that appointment, joined duty and vacated office on 14.1.1992 in terms of the order of appointment (Annexure 'A'). An advertisement has been issued as per Annexure 'G' inviting applications for appointment on ad hoc basis as Senior Resident in the Guru Teg Bahadur Hospital, Shahdara, Delhi. The invitation is to file the applications for the post of Senior Resident within the prescribed time and to appear for the interview with the relevant certificates on 24.1.1992 at 10.00 A.M. without any separate intimation on that behalf. The petitioner says that he has presented the application and that he met the Superintendent whereupon he was told that

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he being ~~agm~~ barred may not be considered. In this background the petitioner has approached this Tribunal, firstly for a mandamus to grant extension of the original appointment w.e.f. 15.1.1992, secondly for a direction to the respondents to allow the applicant to work as Senior Resident for a period of three years continuously as per the Residency Scheme of the Government of India, and lastly for a direction to the respondents to allow him to appear for the interview on 24.1.1992 to consider his case for fresh appointment. There is also a prayer that his entitlement should be considered for regular appointment against the post of Senior Resident.

2. It is obvious from what we have stated earlier that the petitioner accepted, without grumbling, the appointment which was offered to him on ad hoc basis as per Annexure 'A'. He took full advantage of the order and served until he vacated the office on 14.1.1992 in accordance with the terms of the order. We fail to see how in these circumstances he can pray for a mandamus for extension of the said appointment w.e.f. 15.1.1992. He has not been able to establish any legal right in support of his claim. If the ad hoc appointment for a limited period offered to him was not in accordance with the law, he should have challenged the same much earlier and not after he accepted that assignment and vacated the office in accordance with the terms of the said appointment. As regards

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the claim of the petitioner for a direction to the respondents to allow him to work as Senior Resident continuously as per the scheme of the Government of India, the petitioner has not been able to establish his legal right in this behalf. So far as the interview which is to be held on 24.1.1992 is concerned, we are inclined to take the view that if the petitioner has made the application within time, he is entitled to appear before the authority concerned along with other eligible candidates. It is open to the authority to consider the application of the candidate having regard to his qualifications, eligibility and also his merit in the selection. We have no doubt in our mind that if the petitioner presents himself with the relevant certificates before the concerned authority, there is no reason for us to believe that if he is eligible, his case will not be considered along with the other eligible candidates. The interview obviously should ^{be to} select the best among those who are eligible and qualified. It is for the authority that the best men are chosen to man the jobs so that very satisfactory services ^{is} are rendered to the people concerned. We have, therefore, no hesitation in taking the view that there is no grievance which merits examination at this stage. We decline to

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admit this O.A. and dismiss the same.

3. Copy of the order be furnished to the learned
counsel for the applicant.

(Copy)
(P.C. JAIN)

MEMBER(A)

January 23, 1992


(V.S. MALIMATH)

CHAIRMAN

January 23, 1992

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