

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 2036 of 1993

New Delhi, dated the 2nd February, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Dr. Niloy Roy,
S/o late Mr. N.K.B. Roy,
R/o H-1509, Chitranjan Park,
New Delhi. ... Applicant

(By Advocate: Shri S.P. Sinha, proxy counsel
for Shri Imtiaz Ahmed)

VERSUS

1. Union of India through
the Secretary,
Ministry of Health & F.W.,
Nirman Bhawan,
New Delhi.
2. Director General of Central
Health Scheme,
Dept. of Health & F.W.,
Nirman Bhawan,
New Delhi.
3. Asst. Director General,
Central Govt. Health Scheme,
Soth Zone, R.K. Puram,
New Delhi-8,
New Delhi. Respondents

(By Advocate: Mrs. Raj Kumari Chopra)

ORDER (Oral)

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns the respondents' order
dated 17.8.92 regularising his services from
22.10.91 and seeks regularisation from the date of
his initial appointment on ad hoc basis on 13.1.86.

(X)

2. We note that applicant was absent on 7.10.97; again on 21.10.97; and yet again on 16.12.97. In fact on 21.10.97 it was made clear that if the applicant fails to appear on the next date, the O.A. would be summarily dismissed for default but despite that the case was not dismissed on 16.12.97 and an opportunity was given to the applicant to appear.

3. Today Shri S.P. Sinha, proxy counsel for Shri Imtiaz Ahmed appeared and sought for an adjournment on the ground that Shri Ahmed was busy in the Hon'ble Supreme Court. This prayer was vehemently opposed by the Respondents' counsel Mrs. Chopra, stating that this prayer was itself made at 3.30 p.m. today without giving advance notice to her, and she also emphasised that such a prayer was wholly unjustified in the light of applicant's previous failures to appear.

4. We may have taken a lenient view in granting the prayer for an adjournment by way of indulgence to the applicant, if he had a strong case but we find that this is not so.

5. Mrs. Chopra has invited our attention to the CAT, Madras Bench judgment dated 29.10.97 in OA 606/95 Mrs. Leela Bai Vs. UOI & Ors. in which the aforesaid applicant had impugned the same order dated 17.8.92 which the present applicant is impugning.

6. After hearing both sides the Tribunal by its detailed judgment dated 29.10.97 rejected Dr.

A

15

(Mrs) Leela Bai's prayer and O.A.No.606/95 was dismissed by CAT Madras Bench on merits. Nothing has been shown to us to suggest that the aforesaid judgment dated 29.10.97 has been stayed, modified or set aside.

7. We are fully satisfied that the aforesaid judgment dated 29.10.97 fully covers the facts of the present case and we as a Co-ordinate Bench are bound by the same. Under the circumstances without considering it necessary to repeat the various arguments in that judgment, for the reasons mentioned therein, we find ourselves unable to grant the relief prayed for by the applicant in the present case.

8. This OA is therefore dismissed. No costs.

Lakshmi Srinivasan
(MRS. LAKSHMI SRINIVASAN)
MEMBER(J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN(A).

/ug/