

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O.A. NO. 835/93

DECIDED ON : 17.8.1993

Dr. Arun Kumar Agarwal

... Petitioner

Vs.

Delhi Administration through
its Secretary & Another

... Respondents

CORAM :

THE HON'BLE MR. JUSTICE S. K. DHAON, V.C.(J)

THE HON'BLE MR. B. N. DHOUNDIYAL, MEMBER (A)

Shri K. N. R. Pillai, Counsel for Petitioner

Shri B. S. Oberoi, proxy counsel for Shri
D. K. Sharma, Counsel for the Respondents

J U D G M E N T (ORAL)

Hon'ble Mr. Justice S. K. Dhaon —

The petitioner is a Post Graduate. He was appointed as a Senior Resident by office order dated 24.12.1992. This order indicates that the appointment of the petitioner will last only upto 24.4.1993. The petitioner has come to this Tribunal with the grievance that having been selected for a regular appointment to the post of a Senior Resident, he is entitled to hold that post for the full term of three years.

2. The prayer is that the office order dated 24.12.1992 may be quashed and a direction issued to the respondents to allow the petitioner to complete the full term as a Senior Resident. The alternative prayer is : "...if the respondent passes an order regularising the applicant's service from 18.6.1990 treating the breaks also as service, the Hon'ble Tribunal may be pleased to direct the respondent to extend the applicant's tenure upto 17.6.1993 so that he could complete 3 years' regular service as Sr. Resident."

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
3. A counter affidavit has been filed on behalf of the respondents, which has been sworn by Shri A. D. Bansal, Medical Superintendent, Guru Teg Bahadur Hospital, Shahdra, Delhi. The contents of paragraph 1 of the counter-affidavit read as follows :-


"That contents of para No.1 are wrong and are denied. It is denied that the applicant has not been given a 3 years tenure as Senior Resident. The applicant was in continuous service w.e.f. 25.4.90 to 24.4.93, inclusive of the period applicant served at LNJP Hospital and the break w.e.f. 15.6.90 to 21.9.90 which has been regularised vide office order dated 5.12.91. The applicant has been sanctioned two increments w.e.f. 1.6.91 and 1.6.92 in the scale of Rs. 3150-100-3350."

The aforequoted contents of the counter affidavit concede the alternative prayer sought by the petitioner. Learned counsel for the petitioner stressed that in the absence of a certificate that the petitioner had rendered service as a Senior Resident for a period of three years, the petitioner would not be entitled to make an application to the Union Public Service Commission seeking an appointment as an Asstt. Professor. Be that as it may, in view of the admissions made in paragraph 1 of the counter affidavit, we see no reason as to why the respondents should not issue a certificate to the petitioner stating therein the facts mentioned in the aforequoted paragraph 1. We direct the authority concerned to issue the necessary certificate to the petitioner.

4. With these directions, this application stands disposed of. Interim order earlier passed shall stand vacated.

No orders as to costs.


(B. N. Dhoundiyal)
Member (A)


(S. K. Dhaon)
Vice Chairman (J)

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