



CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

(order reserved on 20.5.2021)

O.A.No.060/00732/2018
M.A.No.060/1463/2020 &
M.A.No.060/1055/2021

Chandigarh, this the 31st day of May, 2021

CORAM: HON'BLE MS. AJANTA DAYALAN, MEMBER (A)
HON'BLE MR. ASHISH KALIA, MEMBER (J)

Dr. Roosy Aulakh, W/o Dr. Nishant Sachdev, Reader,
Department of Pediatrics, Government Medical College &
Hospital, Chandigarh, R/o H.no. 1593, Sector 34 D,
Chandigarh.

(BY: SELF)

Applicant

Versus

1. Government Medical College & Hospital, Sector-32,
Chandigarh through its Director Principal-160031
2. The Union Territory Administration, Chandigarh through its
Home Secretary cum Secretary Medical Education, U.T.
Chandigarh-160009
3. Union of India through Secretary, Ministry of Health and
Family Welfare, Nirman Bhawan, New Delhi-110011.
4. Union Public Service Commission, Dholpur House,
Shahjahan Road, New Delhi through its Secretary-110011
5. Dr. Surinder Kumar Singhal, Aged 55 years, son of late Sh.
Gainda Ram, Associate Professor, Department of E.N.T.,
GMCH, Sector 32, Chandigarh-160031.
6. Dr. Rakesh Kumar Bansal, aged about 57 years son of Sh.
Sat Pal Bansal, Associate Professor, Department of
Ophthalmology, GMCH Sector 32, Chandigarh-160031.
7. Dr. Dinesh Kumar, aged about 51 years son of Sh. Mahesh
Chand, Statistician-cum-Associate Professor, Department
of Community Medicine, GMCH Sector 32, Chandigarh-
160031.



8. Dr. Anshu Palta, about 45 years, son of Sh. Satish Chander Chandok, Associate Professor, Department of Pathology, GMCH, Sector 32, Chandigarh-160031.
9. Dr. Mahesh Chandra, aged about 50 years, son of Sh. Devi Sahai, Associate Professor, Department of General Surgery (presently working in Urology), GMCH, Sector 32, Chandigarh-160031.
10. Dr. Ajeet Kumar Sidana, aged about 50 years, son of late Sh. Bhim Chand Sidana, Associate Professor, Department of Psychiatry GMCH Sector 32, Chandigarh-160031.
11. Dr. Rajesh Bansiwala, aged about 45 years, son of Sh. Ami Bansiwala, Associate Professor, Department of General Surgery GMCH Sector 32, Chandigarh-160031.
12. Dr. Sangeeta Bhanwara, aged about 44 years, son of Sh. Amar Nath, Associate Professor, Department of Pharmacology, GMCH, Sector 32, Chandigarh-160031.
13. Dr. Jeet Ram Kashyap, aged about 44 years, son of late Sh. Parma Nand, Associate Professor, Department of Medicine (presently working in Cardiology), GMCH, Sector 32, Chandigarh-160031.
14. Dr. Kislay Dimri, aged about 43 years son of Sh. C.D. Dimri, Associate Professor, Department of Radiotherapy, GMCH, Sector 32, Chandigarh-160031.
15. Dr. Manpreet Singh, aged about 43 years, son of Late Sh. Jagjit Singh, Associate Professor, Department of Anaesthesia, GMCH, Sector 32, Chandigarh-160031.
16. Dr. Anshu Sharma, aged about 50 years W/o Dr. Rajeev Sharma, Associate Professor, Department of Anatomy, GMCH, Sector 32, Chandigarh-160031.

**(BY ADVOCATE: None for Respondents No.1&2.
Mr. K.K. Thakur for Mr. Sanjay Goyal,
Sr. CGSC for R.No.3.
Mr. B.B. Sharma for R.No.4.
Mr. Rohit Seth for R.No. 5 to 16.**

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Respondents



ORDER
HON'BLE MRS.AJANTA DAYALAN, MEMBER(A)

M.A.No.060/1055/2021 has been filed by the applicant on 28.4.2021 for placing on record certain documents including the order dated 22.4.2021 passed by the Hon'ble Punjab and Haryana High Court in CWP No.21774 of 2018.

2. Vide this order, the Hon'ble High Court has, while listing the CWP on 13.7.2021, directed the Tribunal to ensure that 'the application for amendment as well as prayer for interim relief as far as possible be decided on 30th April, 2021, and in any case on or before 24th May, 2021'.

3. Due to sudden surge in Covid cases in Chandigarh, this Tribunal is hearing only extremely urgent cases in line with the orders of Hon'ble High Court of Punjab and Haryana. However, in view of the Hon'ble High Court's cited order, this case was heard on 20.5.2021.

4. The applicant had originally filed O.A.No. 732 in 2018. In this O.A., she has sought as many as 10 reliefs. These, inter-alia, include quashing of all previous impugned Career Advancement Scheme orders (and any other similar orders) ab initio issued till date. She has also sought quashing of Committee constituted by the Director Principal, Government Medical College & Hospital, Chandigarh vide order dated 22.5.2018 (Annexure A-15) She has further sought directions to the respondents to "re-issue fully authentic and legitimate orders prospectively and annually" under the notified Career Advancement Scheme re-designating faculty members



working as regular Readers to Re-designate Professors only after completion of mandatory experience in substantive post of regular Reader of 4 years. She has further sought direction to ensure that experience of re-designation as Re-designate Reader under the Scheme is not granted to any re-designated faculty member which, according to her, is ultra vires of very essence of the notified Career Advancement Scheme. Further, she has sought direction to the respondents to refrain from passing any order under the notified Career Advancement Scheme for re-designation of Senior Lecturers as Re-designate Professors. Still further, directions are sought for circulating inter-se seniority list of entire faculty regularly/annually. Some other reliefs were also sought in the original O.A

5. In this O.A., by way of interim relief, the applicant has sought directions to the respondents to refrain from passing any orders under the notified Career Advancement Scheme for re-designating Senior Lecturers as Re-designate Professors, being beyond the mandate of the Scheme. She has also sought quashing of the order dated 22.5.2018 of the Director Principal, Government Medical College & Hospital, Chandigarh, constituting the Committee to examine the issue of grant of second time re-designation benefit to the faculty under the Scheme. Further, she has sought to take "suo moto cognizance of any attempt, if made, by applicants in O.A. 981 of 2017 to withdraw the case making M.A. of the applicant filed in O.A 981 of 2017 infructuous and also introspect the reply, if any, filed on behalf of GMCH, Chandigarh as Respondents for its unconstitutional basis by being drafted by the



applicants 3 & 7 of the same O.A. 981 of 2017 (vide supra) which shall definitely hinder the process of delivery of justice to the applicant of the instant case”.

6. It is observed that reliefs prayed for by the applicant are multifarious. Not only this, some of the reliefs sought like quashing of all previous orders issued under Career Advancement Scheme ab initio till date are vague. She has specifically mentioned Annexure A-4 to A-8 and any other similar order issued till date. It is also observed that Annexure A-4 was issued way back in 2007, Annexure A-5 in 2013 and Annexures A-6 and A-7 in 2016. Only Annexure A-8 has been issued in 2018. The O.A. has been filed in June 2018. As such, prima facie only O.A. for quashing of Annexure A-8 could be filed in this Tribunal in view of Section 21 of the Administrative Tribunals Act, 1985 whereby no application is to be admitted if the same is not filed within the time line specified in the Act – that time line being one year from the date on which final order has been made in connection with the grievance of the aggrieved person.

7. We also observe that in Annexure A-4 re-designation of as many as 24 faculty members; in Annexure A-5 re-designation of 2 faculty members; in Annexure A-6 re-designation of 37 faculty members; in Annexure A-7 re-designation of 48 faculty members and in



Annexure A-8 re-designation of 7 faculty members is involved. Thus, in all even in specified annexures, quashing of which is sought by the applicant, as many as over 100 faculty members are involved and their interest will be adversely effected in case such relief is allowed. Despite this, most of them have not been impleaded as a party by the applicant.

8. Further, it is observed that some of the prayers are vague including the one to “re-issue fully authentic and legitimate orders prospectively and annually”. Similar is the position for some of the other reliefs sought.

9. Most importantly, we note that numbers of interim reliefs are the same as sought in the main prayer. These include interim prayer for refraining the respondents from passing any order for re-designating Senior Lecturers as re-designated Professors. This also includes quashing of the Committee constituted by Director Principal vide order dated 22.5.2018. No interim prayer can be granted which constitutes grant of final relief to the applicant. On this ground alone, prayer for interim relief is not admissible.

10. We also observe that amongst the final as well as interim reliefs sought by the applicant, she has prayed for direction to the respondents to refrain them from issuing any instructions or orders under the notified Career Advance Scheme. Such relief, if granted, will adversely affect number of other persons who have not been impleaded as parties in the O.A. In view of this also, such interim relief cannot be granted to the applicant.



11. In any case, the case is now pending since 2018. On the first date on 20.6.2018 itself, implementation of proceedings of the Committee constituted for grant of 2nd time re-designation benefit to the faculty staff of the respondent Institute was stayed. Thereafter, frequent hearings of the case took place. The proceedings were complete and the case has reached argument stage. The applicant by her own submission has filed over 500 pages of written arguments in the case.

12. In view of all the above, it is clear that no case is made out for grant of interim stay.

13. Regarding M.A. No.060/1463/2020 for amendment of the O.A., it is observed that the O.A. was filed by the applicant in June 2018 and was first heard on 20.6.2018. M.A.No.060/1835 of 2018 for impleading respondents No. 5 and 6 was filed by the applicant in November 2018. It was first heard on 29.11.2018 and was allowed on the next date of hearing on 7.1.2019. The case was then listed for hearing on 26.2.2019. However, before that, another M.A.No.060/61 of 2019 was filed for placing on record orders of Hon'ble High Court dated 11.1.2019 which was allowed. Thereafter, the applicant informed on 27.5.2019 that similar matter was being heard in High Court on 17.7.2019 and as such, the matter was adjourned. Thereafter, High Court order of this date was placed on record. It was only after all this and in December 2020 that the applicant has sought leave of this Tribunal to amend the O.A. wherein notice has been issued to the respondents.



14. Thus, it is seen that after almost 2-1/2 years of litigation and atleast 15 dates of hearing, the applicant has moved application for amendment of the O.A.

15. It is also seen from the amendments proposed now that the applicant is now seeking as many as 13 reliefs against 10 reliefs sought in original O.A.

16. It is also observed that the amendments sought are substantial and would basically involve reinitiation of whole case and the whole process to be undergone ab initio.

17. We are of the clear opinion that such substantial amendments to O.A. at this late stage are not warranted and are not even permissible. In fact the amendments are substantial and they involve change in nature and character of relief. They would involve basically redrawing the whole O.A. Such amendments are not justified at this belated stage.

18. The M.A for amendments is, therefore, dismissed. The applicant is at liberty to withdraw her main O.A. and to file a fresh one incorporating the amendments sought by her now at one go, if she so desires and if otherwise permissible in law.

19. Let the main O.A. be listed on 12.7.2021.

(ASHISH KALIA)
MEMBER (J)

(AJANTA DAYALAN)
MEMBER (A)

Place: Chandigarh
Dated: 31st May, 2021

HC*