



**Central Administrative Tribunal
Principal Bench: New Delhi**

O.A. No. 2013/2021

This the 14th day of September, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Dr. Sumit Gulla,
Group-A
Aged about 35 years,
R/o L-359, Model Town,
Panipat-Haryana-132103. Applicant

(through Sh. Aseem Kumar Katoch, Advocate)

Versus

1. Govt. of NCT of Delhi
Through its Principal Secretary,
Health & Family Welfare Department,
9th Level 'A Wing' Delhi Secretariat,
I.P. Estate, New Delhi-110002.
2. Govt. of NCT of Delhi
Office of Medical Superintendent,
Babu Jagivan Ram Memorial Hospital,
Jahangirpuri, Delhi-110033.
3. Govt. of NCT of Delhi
Through its Chief Secretary,
Delhi Secretariat,
New Delhi-110002. Respondents

(through Sh. H.A. Khan, Advocate)



ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman

The applicant has filed the present Original Application seeking the following reliefs:-

- "a) Pass an appropriate order, direction or writ in the nature of certiorari or any other appropriate writ, quashing the impugned order/letter vide No.F11/12/H&FW/HR.Med/2020. 292-94 dated 06.07.2020 issued by the official respondents, in the interest of justice and in the facts and circumstances of the present case; and
- b) Pass an appropriate order, direction or writ in the nature of mandamus or any other appropriate writ, directing the official respondents revive the candidature of the humble applicant and consequently allow the humble applicant to join the post of Medical Officer (General Duty Medical Officer) in pursuance of offer of appointment-cum-appointment order issued vide Office Order No. F.11/ 12/H & FW/HR-Med./2020CD#112600286 /957-959 dated 01.05.2020, in the interest of justice and in the facts and circumstances of the present case; and
- c) Pass an appropriate order, direction or writ in the nature of mandamus or any other appropriate writ, directing the official respondents not to return the applicant's dossier to the UPSC in the interest of justice and in the facts and circumstances of the present case; and
- d) Pass such other further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case."



2. The facts of the present case, in brief, are that applicant submitted online application for the post of Medical Officer (General Duty) in pursuance of advertisement No.01/2019 issued by the respondents on 25.01.2019. He was selected as Medical Officer in general category. He made a representation dated 11.05.2020 for extension of joining time till 21st May 2021 for completion of his MD, which is still pending with the respondents. He made further representations dated 08.06.2020, 11.06.2020 and 12.06.2020 to the respondents in this regard. He received Office Order No. BJRMH/Estt./Misc./17/549-52 dated 11.06.2020 whereby the respondents directed the applicant to report and join Babu Jagjivan Ram Memorial Hospital within 15 days, failing which his candidature will be cancelled. Thereafter, respondent No.2 issued Corrigendum No. F.(120)/BJRMH/ Estt./Misc./17/554 dated 12.06.2020 stating therein that the applicant should join within 15 days w.e.f. 08.06.2020. The applicant again made detailed representations dated 22.06.2020 and 30.07.2020 requesting for extension of his joining time. The respondents vide



impugned order No. F.11/12/H&FW/HR.Med/2020/CD#112600286/292-94 dated 06.07.2020 directed the applicant to join his duties, failing which his candidature would stand cancelled. When the representations of the applicant have not been considered by the respondents, he filed OA No.1965/2020, which was dismissed by the Tribunal vide order dated 03.12.2020 observing that:-

"4. We find that the OA is premature. In case the respondents accord permission to the applicant on completion of his course, nothing further needs to be done. On the other hand, if the candidature of the applicant is cancelled, he is to work out the remedies.

5. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs."

3. It is submitted that since the applicant has completed his post-graduation MD General Medicine tenure and examination (Theory and Practical) from FMHS, SGT University, Gurugram, Haryana on 26.05.2021, immediately thereafter, on 27.05.2021 and 03.06.2021 vide emails he requested the respondents to allow him to join. However, till date respondents have not considered his request. It is also submitted by the applicant that whereas a similarly situated



person, namely, Dr. Govind Madhav has been granted offer of appointment for the post of General Duty Medical Officer-II in the North Delhi Municipal Corporation, his request for extension of time for joining was cancelled on 30.08.2018 (Annexure A-10) as he was also pursuing post graduation. After completing the PG, Dr. Govind Madhav submitted application dated 14.09.2019 for revival of the lapsed offer of appointment with an affidavit. His request was sent to UPSC for revival of the offer of appointment, and the same was allowed vide order dated 16.12.2019.

4. We heard Sh. Aseem Kumar Katoch, learned counsel for the applicant and Sh. H.A. Khan, learned counsel for the respondents, at the stage of admission.

5. In these circumstances, without going into the merits of the matter, we dispose of the O.A. with a direction to the applicant to make a comprehensive representation ventilating all his grievances as regards his case being similar to Dr. Govind Madhav, within seven days before the appropriate authority, who shall decide the aforesaid



representation of the applicant within two months thereafter by passing a detailed and speaking order, under intimation to the applicant. If the applicant is not satisfied with the decision taken, he will be at liberty to approach this Tribunal again by filing a fresh OA. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

vv/lg

September 14, 2021