

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH,  
ALLAHABAD.

O.A.No.1177 of 1987.

Vijay Shukla.....Applicant.

Versus

Union of India & others.....Respondents.

Hon'ble Mr.Justice U.C.Srivastava, V.C.

Hon'ble Mr.K.Obayya, A.M.

(By Hon'ble Mr.Justice U.C.Srivastava, V.C.)

The applicant, after completing four years' Diploma in B.M.S. in Homeopathy, got himself registered in Homeopathic Medicine Board, U.P.Lucknow. He was appointed in the year 1976 as Store-Keeper/Clerk (Homeopathy)CGHS, Kanpur. Thereafter, he was confirmed. In September, 1986, one Homeopathic doctor was transferred and in his place no appointment was made which as a matter of fact is made by the Union Public Service Commission. The Director of Health Services advised the Chief Medical Officer to appoint some qualified person as Homeopathic physician in place of outgoing doctor. A selection Committee was constituted consisting of five members and the Selection Committee selected the applicant and the applicant also gave his consent for appointment. Appointment letter indicates that in addition to his own duty as Store-Keeper/ Clerk, he will also work as Homeopathic Physician under the supervision of Homeopathic Physician Incharge without any extra- remuneration. The applicant continued to work as such till the fateful event i.e. order dated 29.4.87 by which the said appointment was withdrawn. The grievance of the applicant is that he has been duly selected by the Selection Committee and there being no selection by the Union Public Service Commission, his services could not have been terminated. More so, when there was a vacancy of Homeopathic doctor and no doctor

was appointed by the UPSC.

2. The respondents have opposed the claim of the applicant and have stated that appointments are made only by Union Public Service Commission and in the interest of work, the applicant was given appointment and his selection was made. According to the respondents the candidates were called on 17.12.86 and one candidate who appeared for interview, had brought with him no objection certificate from his office and this candidate was adjudged to be best candidate and an offer of appointment was sent to him and he on his being relieved from his parent office, joined the CGHS on 14.1.87 and the appointment of the applicant was terminated as Homeopathic Physician on monthly basis w.e.f. 14.7.87 on the request of Dr. Sha

3. From the facts, stated above, it is clear that as the applicant was given the charge so that work may not suffer, the applicant has acquired no right in his favour on that basis and it being a selection post, the appointment is to be made by the Union Public Service Commission and mere selection by the Selection Committee cannot confer any right on the applicant and accordingly, the applicant has failed to make out any case for the said post. However, in view of the fact that it was an arrangement and so long a duly selected candidate by the UPSC does not take over, there appears no reason why the patients should be made to suffer and in case the applicant has been discontinued from service and no better candidate is available who has gained experience like the applicant, he may be given the charge of the said office till regular appointment is not made. But for the above observations, the application is

-3-

otherwise dismissed. No order as to costs.

*John Doe*  
MEMBER (A)

*John Doe*  
VICE CHAIRMAN.

DATED : DECEMBER 1, 1992.  
(ug)