

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

O.A.No. 676/92

S.K.Bhargawa.....Applicant

Versus

Union of India and 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.)

As the pleadings are complete the case is being heard and disposed of finally.

2. The applicant was initially appointed as Assistant Medical Officer Class II in the Central Railway on adhoc basis for a period of 6 months on 9.1.86 thereafter the applicant was allowed to work and he continued to work since then and has thus completed 6 years of ~~the~~ work. It appears that ^{as a} ~~the~~ result of the judgment of some writ petition, the Chief Medical Officer has issued letter on 6.9.91 informing the applicant also and his suitability for regular appointment will be judged for regular appointment by interview with others. Although in terms of the Supreme Court judgment in Writ Petition No. 1429-1626/86 the qualifications were to be assessed and the candidates were to be absorbed if they were qualified and according to the applicant he has not earned any adverse remark and he ^{is} ~~has~~ fully qualified and instead of regularising him his services were dispensed with vide order dated 22.4.92 though the same was not formally served upon him on the ground that he was unfit for regularisation on the post of Assistant Medical Officer in the Railway and that is why he has challenged the said order on the ground that not only this order will be arbitrary

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but it is also stigmatic.

3. The respondents have opposed the application and learned counsel for the respondents Sri V.K. Goel was also more vehement in opposing the claim of the applicant. According to the respondents even though the applicant had worked for several years and there were no adverse remarks and he has no right for regularisation and the writ petition referred by the applicant was filed by those doctors who were appointed on adhoc basis whose services were for more than a year and have completed 5 years service on the date when the writ petition was decided by the Supreme Court and the ^{case of the} applicant does not fall in that category. The case of the applicant was also referred to the Union Public Service Commission and after considering his case he was not found suitable person for absorption and that is why his services were terminated. Similar matter have come before us and we have also taken into consideration the cases decided by the Supreme Court and we have taken the view that the termination order was passed in cases and the question of absorption to these doctors should be decided on the basis of the ACR without asking them to appear in the interview with other candidates, and accordingly in this case the termination order dated 22.4.92 is quashed and the applicant will be deemed to be continuing in service though he may not be paid the salary for this period. The respondents are directed to consider his ACR within a period of 4 months and on the basis of the ACR ^{if} ~~his~~ case is found fit, he will be absorbed.

4. No order as to the costs.


A.M.


V.C.

Dated: 3rd Nov., 1992
(AR)