

13

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.1176 OF 2002

Cuttack, this the 24th Day of July, 2008


Dr. Nagendra Kumar Parija Applicant


Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to Principal Bench Central Administrative Tribunal or not?


(C. R. MOHAPATRA)
MEMBER (A)


(JUSTICE K. THANKAPPAN)
MEMBER(J)

14

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 1176 OF 2002
Cuttack, this the 24th Day of July, 2008

CORAM:

Hon'ble Shri Justice K. Thankappan, Member (J)

Hon'ble Shri C.R. Mohapatra, Member (A)

IN THE CASE OF:

Dr. Nagendra Kumar Parija, S/o of late patitapaban Parija aged about 57 years, a resident of Dhannroda, PO-Odasingha, Dist-Cuttack, now working as Chief Medical Officer, now functioning New Delhi.

By the Advocate(s) Applicant
Mr. K.P. Parija
Vs.

1. Union of India represented thorough the Secretary to Govt. of India, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi-110011.
2. Director General of Health Services, Nirman Bhawan, New Delhi.
3. Union Public Service Commission, Dholpur House, Shahajahan Road, New Delhi.
4. Joint Director, Central Govt. Health Scheme, A.G.Colony, Unit-IV, Bhubaneswar.

..... Respondent(s)
By the Advocate(s)..... Mr. S.B. Jena

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O R D E R

HON'BLE MR. JUSTICE K. THANKAPPAN, MEMBER(J)

A short question involves in this O.A is that whether the period for which the applicant served on ad-hoc basis can be counted for his service purposes or not?

2. Presently the applicant is retired from Central Health Services and prior to his appointment in Central Health Services, the applicant was appointed on ad-hoc basis and officiated as an Assistant Medical Officer under the Ministry of Railways Govt. of India from 05.11.1973 to 06.02.1979. While serving as such, on selection made by the UPSC, the applicant joined in the Central Health Services as Medical Officer. The claim of the applicant is that since he was appointed as Assistant Medical Officer and had served for 05 years and few months on adhoc basis in the Railways, the entire service on adhoc basis should be counted for seniority and other service purposes. The applicant also relied on Annexure-A/4 order passed by the Govt. of India allowing such benefits to similarly placed persons. However, as per Annexure-A/3 order the claim of the applicant for the purpose of counting his adhoc services in the Railways from 05.11.1973 to 06.02.1979 has been rejected. Hence this O.A.

3. This Tribunal heard both the Counsel appearing on either side and had perused the records furnished in the O.A. Relying on the factual fabrics, as stated above, and on Annexure-A/4 and the

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judgement of the Principal Bench of the C.A.T passed in O.A. No.1603/07 and also the judgement of the Apex Court in SLP No.10714/93, the Counsel appearing for the applicant submits that this O.A has to be allowed.


4. A counter affidavit has also been filed for and on behalf of the Respondents. Relying on the counter affidavit the Ld. Counsel for the Respondents had taken the stand that the case of the applicant is not sustainable and the order passed by the Authority is not liable to be quashed.


5. On considering the arguments on either side and the judgement of the Apex Court and the order of the Principal Bench of the CAT, New Delhi, the question no more exists as Integra. Admittedly, the applicant was appointed on adhoc basis as Assistant Medical Officer under the Railways and had worked from 05.11.1973 to 06.02.1979. The question noticed has already been answered by the Principal Bench of the C.A.T. in O.A. No.1603/87 in Sri Srinabasulu and others Vs. Union of India and others. In the above judgement the Central Administrative Tribunal of the Principal Bench had considered the question of counting the adhoc services of Medical Officers, who were appointed in the DNK project and directed that they were entitled for counting of their adhoc services. Subsequently, the above order of the Central Administrative Tribunal, Principal Bench, has been followed in O.A. No.1555/96 in Indian Railways AMO Association and Others Vs. Secretary, Ministry of Railways and another. In the light of the above orders of the Central

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17

Administrative Tribunal, Principal Bench and in view of the judgement of the Apex Court in Union of India and others Vs. Shri Srinavasulu and others, we allow this O.A. Accordingly, the impugned order at Annexure-A/3 dated 11.12.2001 is hereby quashed, with a declaration that the applicant is entitled to count his past service on adhoc basis as Assistant Medical Officer for the period from 05.11.1973 to 06.02.1979 under the Railways. The Respondents are further directed to pass appropriate orders in the light of the observation and direction as above. Ordered accordingly. No order as to costs.


(C. R. MOHAPATRA)
MEMBER (A)


(JUSTICE K. THANKAPPAN)
MEMBER(J)