

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

RA 16 of 2003  
(OA 762 of 97)  
No. RA 15 of 2003  
(OA 673 of 97)

Date of order : 21.11.2003

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman

Hon'ble Mr. S. Biswas, Administrative Member

OM PRAKASH SINGH & ORS.  
SUNIL KR. CHOUDHURY  
VS

UNION OF INDIA & ORS.

For the applicants : Mr. R. N. Das, counsel  
Ms. S. Banerjee, counsel

For the respondents: Mr. L. K. Chatterjee, counsel  
Mr. P. K. Arora, counsel

O R D E R

Justice B. Panigrahi, VC

These applications have been filed under Section 22 of the Central Administrative Tribunals' Act, 1985 for review of the order dated 2.5.03 in which one of us namely Hon'ble Mr. S. Biswas, Member(A) was a party. The applicants were appointed initially for a period of 6 months on ad-hoc basis as Medical Officer. In the appointment order it was explicitly made clear that their service was limited for a period of 6 months or till they are replaced by the UPSC recruits whichever was earlier. But, however, their tenure was extended from time to time and till today they are continuing in the post. In the meantime it appears that regular recruitment by the UPSC has taken place but no final appointment has been made.

2. The applicants sought a direction from the Tribunal against the respondents that (i) they should be regularised in their services and (ii) they shall not be terminated and another set of ad-hoc doctors shall not replace them. This Court while disposing of this application held that

"Under these circumstances, we hold that the applicants are not entitled to any direction that the respondents should not terminate their services as ad hoc doctors. We further hold that there is no bar for the respondents to terminate the services of the applicants who are ad hoc doctors by candidates regularly selected by UPSC and the respondents are at liberty to do so as

the same was permitted by the Supreme Court in Dr.Jain's case and by this Tribunal in OA 406/92. However, we make it clear that the applicants who are ad hoc doctors should not be replaced by another set of ad hoc doctors as directed by the Supreme Court."

In the ultimate para it was ~~however~~, indicated that both the OAs were dismissed with no order as to costs and in view of the order in the OAs, no orders were required in the MAs.

3. Within a few days after the disposal of the main applications, these two Review Applications have been filed seeking a direction that instead of those OAs which have been recorded to have been 'dismissed' ought to have been recorded as 'disposed of' in as much as in the body of the judgment it is indicated that the services of these applicants shall not be terminated by replacing another set of ad hoc doctors. The Review Applications immediately thereafter ~~since~~ could not be disposed of, as it appeared that the applicants approached the Hon'ble High Court for an appropriate direction and Hon'ble High Court in its judgment/order dated 10.9.03 directed to dispose of the applications preferably within the month of November, 2003. That is how the applications have been heard today.

4. While disposing of the main applications the Tribunal on ratio of the judgment passed by the Supreme Court in Dr.Jain's case reported in 1987 Suppl.SCC 497 held as quoted above. In the order there has been no ambiguity that the respondents were at liberty to terminate the service of these doctors but not by replacing another set of ad hoc doctors. In that view of the matter since the intention of the judgment is very clear and it leaves no ambiguity to be further clarified, the result as 'dismissal' or 'disposal', does not affect the rights of the either parties.

5. With the above observation the applications are disposed of. No order as to costs.

S B

B. J. Rao

VICE-CHAIRMAN