

O.A.No. 845/1995.

Date of decision: 2nd ^{April} March, 1998.

Between:

Dr. (Mrs.) G. Sujatha. .. Applicant.

And

The Under Secretary to Government
of India, Ministry of Health & Family
Welfare, (Department of Health),
New Delhi. .. Respondent

Counsel for the applicant: Sri B.Narasimha Sarma.

Counsel for the respondent: Sri V.Bhimanna.

CORAM:

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri B.S.Jai Parameshwar, Member(J)

Heard Sri Jacob for Mr. B.Narasimha Sarma,
the learned counsel for the applicant and Sri V.Bhimanna,
the learned counsel for the respondent.

The applicant was appointed as Junior Medical Officer on ad hoc basis in/ Central Reserve Police Force. She served in the said post
/from 21.3.1972 till 17.11.1975

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Thereafter, she submitted her candidature for the post of Junior Medical Officer in the Health Department. She was selected for the said post in the Health Department. The applicant states that at the time of her appointment in the Health Department her pay was fixed commensurati~~ng~~g with her adhoc service. She also states that the leave to her credit in ad hoc service was also credited to her leave account in the Health Department. Though she tendered her resignation as J.M.O., in CRPF and accepted by the respondent, subsequently on her joining as JMO in the Health Department, the service was treated as ~~continuous~~ service in continuation of her ad hoc service and she also submits that the joining time was also taken into account while joining the post at Nasik.

She now claims that her seniority should be fixed in accordance with the letter No. A.12026/12/87-CHC, issued by the Ministry of Health and Family Welfare dated 7.2.1992 (Annexure A-4 Page 17 to the O.A.). She submitted a representation dated 29-6-1994 for granting her seniority as above. But that was rejected by the impugned Order No.A.12026/4/94.CHS.I dated 13th March, 1995 (Annexure A-5 Page 21 to the O.A.)

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This O.A., is filed for setting aside the impugned Order dated 13th March, 1995 by holding the same is illegal, void and for a consequential direction to implement the Judgment of the Hon'ble Supreme Court in W.P.Nos. 2620--59/1985 dated 29.10.1991 (Dr. PPC. RAWANI & OTHERS Vs. UNION OF INDIA) according to which the Order dated 7-2-1992 was issued and to grant her seniority with effect from the date of her initial appointment dated 21.3.1973 and consequential promotion on that basis.

It is not understood how the applicant can claim for seniority from ~~her~~ ^{the} earlier date of joining/CRPF. , on adhoc basis especially when she resigned her ad hoc service. She submits that her pay was fixed in the Health Department commensurating with her adhoc service and the leave to her credit in adhoc service was also credited to the leave earned in the Health Department. We are unable to understand why such a concession was given.

We have perused her representation dated 29-6-1994 which was produced today. None of the points mentioned above have been brought out clearly in her representation. When her ~~own~~ representation itself is rickety, we cannot expect any order on the basis of her representation which will be helpful to her. Hence, we cannot hold that the impugned order dated 13-3-1995 is illegal.

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However, the applicant, may now submit a detailed representation quoting all the points including the contentions raised in the O.A., to the appropriate authority. If such a representation is received from the applicant by the appropriate authority within two months from the date of receipt of a copy of this order by the applicant, that representation shall be disposed of by the appropriate authority in accordance with the rules without being influenced by the impugned order dated 13.3.1995. The reply to her representation shall be given within four months from the date of receipt of the representation from the applicant.

With the above directions, the O.A., is disposed of. There will be no order as to costs.



B.S. JAI PARAMESHWAR,

Member (J)

2/4/98

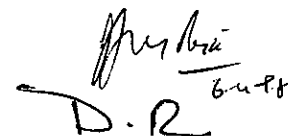


R. RANGARAJAN,

Member (A)

Date: 2-4-1998.

Dictated in open Court.


D.R.

SSS.

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DA. 845/95

Copy to:-

1. The Under Secretary to Government of India, Ministry of Health & Family Welfare, (Dept. of Health), New Delhi.
2. One copy to Mr. B. Narasimha Sarma, Advocate, CAT., Hyd.
3. One copy to Mr. V. Bhimanna, Addl. CGSC., CAT., Hyd.
4. One copy to B. S. JAI PARAMESWAR, CAT., Hyd.
5. One copy to D. R. (A), CAT., Hyd.
6. One duplicate copy.

SRI

23/4/98

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II COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

DATED: 2/4/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

O.A.NO. 845/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

