

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 431 of 1998

Jabalpur, this the 17th day of December, 2003

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Dr. S.C. Jaiswal, S/o. Late Shri
D.P. Jaiswal, aged about 49 years,
resident of House No. 1392/5,
Vijai Nagar, Jabalpur-482 002.

... Applicant

(By Advocate - None)

V e r s u s

1. Union of India, Through its Secretary, Ministry of Defence, New Delhi.
2. The Director General/Chairman, Ordnance Factory Board, 10-A Auckland Road, Calcutta.
3. The Director, Health Services, Ordnance Factories Board, Esplanade Road, Calcutta.
4. The General Manager, Vehicle Factory, Jabalpur.
5. The Principal Officer/Medical Officer, Vehicle Factory, Jabalpur.

... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

The applicant by filing this Original Application has claimed the following main reliefs :

"(i) direct the respondents to regularise the services of the applicant as Asstt. Medical Officer in the services of the Indian Ordnance Factories Health Services in the sanctioned Pay Scale of Rs. 2200-4000/- (now revised 8000/- onwards) w.e.f. date of their first appointment;

(ii) direct the respondents to declare that the breaks/termination inflicted upon the applicant by periodic orders in between reappointments is constitutionally impermissible and legally void;

(iii) direct the respondents not to discriminate between the applicant and other government doctors placed identically for the purpose of regularisation of their services. The applicant is entitled for the same benefits being given to the P&T and CGHS doctors in accordance with the law.

(iv) direct the respondents that the applicant is entitled for the annual increments on regular Pay Scale of Pay and other admissible allowance from the date when he was appointed first;

(v) direct the respondents to give them the same benefits as are declared vide Annexure A1 & A2.

(vi) direct the respondents not to terminate/dis-continue the services of the applicant till the regularisation."

2. The brief facts of the case of the applicant are that the applicant was appointed as Medical Officer purely on short terms basis at Vehicle Factory, Jabalpur vide order dated 25th July, 1995. The appointment of the applicant was only for a short period till the regular selected persons on the basis of the ^{All} India Medical Service Examination, conducted by the UPSC are made available for appointment as Medical Officer in the Vehicle Factory, Jabalpur. The UPSC has selected a candidate on the basis of the All India Medical Service Examination and have selected the candidate for appointment as Medical Officer in Vehicle Factory, Jabalpur on regular basis. The services of the applicant has been terminated vide order dated 28th September, 1998. The applicant in this Original Application has submitted that the Medical Officers appointed on short term basis and who have continued for a long time has been regularised. According to the applicant his appointment is not a stop gap arrangement for a short period and can be termed as a regular appointment. According to him there is no chance of regular UPSC candidate to fill up the post which have been lying vacant for long time. He has further stated that the total sanctioned strength of Assistant Medical Officer is 141

are posts, wherein only 45 regular/working hands and rest of 96 are all adhoc doctors. In his application he has also prayed for seeking direction to give him the benefit of OA No. 499/1988 and other connected OAs passed on 31st October, 1989 (Annexure A-1) and orders of the Tribunal ~~xxxxxxxxxxxxxx~~ passed in OA No. 713/1993 and in OA No. 563/1994 dated 17th July, 1996. Since the services of the applicant has been terminated he has filed this OA claiming the aforesaid reliefs.

3. None is present for the applicant. Since this is an old case of 1998, we decide the OA by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987.

4. Heard the learned counsel for the respondents and perused the records of the case.

5. The learned counsel for the respondents has submitted that the applicant has been appointed as a Medical Officer purely on adhoc and short term basis, in terms of the guidelines laid down by the Ministry of Defence vide their letter dated 02.09.1978 (Annexure R-1). According to these guidelines the appointment of Medical Officers on adhoc basis is made in order to tide over the difficult position in running the Ordnance Factory Hospitals on account of shortage of Medical Officers. It has been submitted in the appointment letter of the applicant that his appointment was purely on adhoc basis and services were likely to be terminated without any notice and without assigning any reason at the discretion of the DGOF. It has further been provided that the applicant will not have any preferential treatment or right for selection to a regular post whatsoever on account of this appointment.

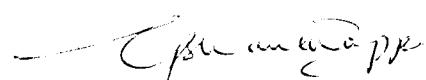


Accordingly when the newly selected Medical Officers will be appointed by the recommendation made by the UPSC the services of the applicant will be terminated. He has also submitted that as per the aforesaid judgment of the Tribunal relied upon by the applicant, the Tribunal has not directed the respondents to regularise the services of the Medical Officers. The only directions given in these OAs are to ⁱⁿ permit the applicants to compete the written examination alongwith other candidates conducted by the UPSC and incase ^{they} were found suitable and recommended by the UPSC for appointment, their services will be regularised. In this case the applicant has not competed in the regular selection made by the UPSC, therefore he cannot be regularised. Accordingly, the Original Application is liable to be dismissed.

6. We have carefully perused the pleadings and the submissions made by the learned counsel for the respondents. We find that the applicant was appointed as Medical Officer purely on short term basis vide order dated 25th July, 1995 for a period of six months. Thereafter again he was appointed for a term of six months purely on adhoc basis from 2nd January, 1998 to 30th June, 1998. His services were continued till 28th September, 1998 in pursuance of the interim orders passed by the Tribunal. After the regular selected candidate from the UPSC joined the Vehicle Factory, Jabalpur, the services of the applicant was terminated. On careful perusal of the judgments of this Tribunal relied upon by the applicant, we find that in no case the Tribunal has passed ^{similarly placed} orders to regularise the services of the Medical Officers who were appointed on short term adhoc basis. The only protection given to them was that they could also compete

with others in the examination to be conducted by the UPSC and only age relaxation to apply for selection in response to advertisement by the UPSC, if necessary, was ~~also~~ granted. In this case the applicant has not applied and participated in the selection in response to the advertisement by the UPSC. Therefore he cannot be considered for appointment as a Medical Officer on regular basis in the Vehicle Factory, Jabalpur. The applicant has therefore no claim for appointment on regular basis and we do not find any ground to interfere or we do not find any infirmity in the order passed by the respondents on 28.09.1998, terminating the services of the applicant.

7. Accordingly, the Original Application is bereft of any merit and the same is dismissed. No costs.

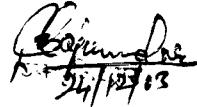

(G. Shanthappa)

Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

RK Gupta, Adm.
SA Dharmeshikar, Adm.


K. Jayaraman
24/12/03

Approved
24/12/03
On