

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 06.05.2013

OA No. 339/2013

Mr. Amit Mathur, counsel for applicant.

Heard learned counsel for the applicant. O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 339/2013

DATE OF ORDER: 06.05.2013

CORAM

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Dr. Madhur Bhatnagar W/o Prof. Deepak Bhatnagar, aged about 60 years, R/o B-505, Jawahar Enclave, Sector-2, Jawahar Nagar, Jaipur (Raj.).

...Applicant

Mr. Amit Mathur, counsel for applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Health and Family Welfare, Central Government Health Scheme, North Block, New Delhi.
2. The Director, Ministry of Health & Family Welfare, Government of India, Central Government Health Scheme, New Delhi.
3. The Additional Director, Central Government Scheme of Health and Family Welfare, Kendraya Sadan Prashar Block-B Ground Floor, Sector-10, Vidhyadhar Nagar, Jaipur.

...Respondents

ORDER (ORAL)

The applicant has filed this Original Application against the Annexure A/1, which is an advertisement for engaging retired Medical Officers (Allopathic, Homeopathic, Ayurvedic and Dental) and Specialists on contract basis in CGHS Wellness Centres and Polyclinic in Jaipur.

2. Learned counsel for the applicant drew my attention to Annexure A/4, which is an advertisement for engaging retired

Anil Kumar

Doctors on contract basis in CGHS Dispensaries in Delhi and NCR Region. According to this advertisement (Annexure A/4), the Doctors, who are going to retire within a period of three months may also apply through proper channel. But in the advertisement dated 03.02.2013 (Annexure A/1), which has been issued for engaging retired Medical Officers (Allopathic, Homeopathic, Ayurvedic and Dental) and Specialists on contract basis in CGHS Wellness Centres and Polyclinic in Jaipur, the condition of those Doctors who are going to retire within a period of three months has not been included. Thus, only the Doctors who have retired have been made eligible for submitting applications as per this advertisement (Annexure A/1).

3. Learned counsel for the applicant further submitted that the applicant was to retire on 30th April, 2013 while this notification Annexure A/1 was issued on 03.02.2013 in Dainik Bhaskar Newspaper. Thus, on the date of advertisement, she had less than three months to retire and, therefore, she should have been eligible to apply for appointment on contract basis after her superannuation on 30th April, 2013.

4. Learned counsel for the applicant also submitted that the applicant would be satisfied if liberty is given to her to represent before the respondents giving all the facts and the respondents may be directed to decide the same expeditiously and till then one post of Homeopathic Physician be kept vacant for the applicant.



5. Having heard the submissions of the learned counsel for the applicant and after perusal of the documents available on record, I am of the opinion that in the interest of justice, it would be proper to allow the applicant to file a representation before the respondents stating all the facts within a period of seven days from today and the respondents are directed to decide the same according to the provisions of law by a reasoned and speaking order expeditiously but in any case not later than a period of three months from the date of receipt of a copy of the representation from the applicant. The respondents are further directed not to fill up one post of Homeopathic Physician pursuant to the advertisement dated 03.02.2013 (Annexure A/1) till the decision is taken by them on the representation of the applicant, if so filed by the applicant within the prescribed period, and if the posts have already not been filled up by the respondents pursuant to the advertisement dated 03.02.2013 (Annexure A/1) till date.

6. If any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to challenge the same by way of filing the substantive Original Application in accordance with the provision of law.

7. With these observations and directions, the Original Application stands disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER