

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.1347/2018
MA No.1505/2018

New Delhi this the 5th day of April, 2018

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Dr. Mohit Tiwari, S/o Mr. V.K. Tiwari,
aged about 25 years, R/o K-127, GF-4
Parkview Apartment, Near Medimax Hospital,
Sec-12, Praap Vihar, Ghaziabad-201009.

Working as Junior Resident Doctor in Guru Gobind Singh
Govt. Hospital, Govt. of NCT of Delhi, Raghbir Nagar,
New Delhi and Dr. Hedgewar Arogya Sansthan, Karkardooma.

-Applicant

(By Advocate: Ms. Chitrangola Rastrovara with Ms. Nupur Bhati & Mr.
Vishwjeet Singh)

Versus

1. Govt. of NCT of Delhi through its Secretary, Department Of Health and Family Welfare, 9th level, 'A' Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
2. The Director, Directorate of Health Services, Govt. of NCT Of Delhi, F-17, Karkardooma, Govt. of NCT of Delhi, Delhi-110032.
3. Addl. Medical Supdt., Dr. Hedgewar Arogya Sansthan, Karkardooma, Govt. of NCT of Delhi, Delhi-32.

-Respondents

ORDER (Oral)

Justice Permod Kohli:

Notice.

2. Shri R.V. Sinha, accepts notice on behalf of Shri R.N. Singh.

3. The controversy in the present OA is very short. The applicant was appointed as Junior Resident (Dental) on regular basis for a period of six months vide Office Order No.1188 dated 03.11.2017 (Annexure A-5). He joined pursuant to his appointment and requested for extension of his tenure as Junior Resident vide application dated 08.03.2018. Having received no response, the present OA has been filed seeking a direction to allow the applicant to complete his tenure of one year as Junior Resident.

4. This controversy has been considered by a number of judgments of this Tribunal. It is not in dispute that for further appointment to any post including Senior Residency, a minimum one year junior residency is required as per the Guidelines issued by the Medical Council of India. It has already been held in various judgments that appointment less than one year is contrary to the law. The applicant has relied upon judgment dated 13.05.2016 passed in OA No.421/2016 –**Dr. Ankita Sharma & Ors. vs. GNCTD & Ors.**, wherein after consideration of the entire issue, the following observations were made:-

“10. In the circumstances, we are of the view that under the 1992 policy of the Government as adopted by the respondent -GNCTD, the applicants are entitled to continue as Junior Residents for a 9 OA No.421/2016 maximum period of one year, if they apply for the same. During the arguments, learned counsel for the respondents made a statement that 14 posts were advertised on 06.01.2016 excluded the posts held by the applicants. Respondents, therefore, should have no difficulty in extending the tenure of the applicants to allow them to complete one year of residentship.

11. The respondents are directed to consider the representations of the applicants and extend the junior residentship upto one year wherever the applicants are willing and the respondents are satisfied with their

services. The interim order dated 30.03.2016, by which the applicants were allowed to continue as Junior Residents is vacated.”

5. The issue was again examined by this Tribunal in OA No.1293/2018 decided on 28.03.2018.

6. This OA is accordingly allowed. The respondents are directed to allow the applicant to complete his tenure of one year of the junior residency.

7. Order Dasti.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

cc.