

**Central Administrative Tribunal  
Principal Bench  
New Delhi**

**OA No.3411/2016**

This the 4<sup>th</sup> day of October, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. V. N. Gaur, Member (A)**

Dr. Shilpi Malik D/o Satbir Singh Malik,  
R/o 1820/10, Govind Puri Extension,  
Kalkaji, New Delhi. ... Applicant

( By Advocate: Mr. Anil Singhal )

**Versus**

1. Government of NCT of Delhi through its Principal Secretary, Delhi Secretariat, New Delhi.
2. The Secretary Services, H&FW, 9<sup>th</sup> Floor, Delhi Secretariat, New Delhi.
3. Medical Superintendent, Dr. Baba Saheb Ambedkar Hospital, Govt. of NCT of Delhi, Sector VI, Rohini, Delhi. ... Respondents

( By Advocates: Mr. N. K. Singh for Mrs. Avnish Ahlawat )

**O R D E R**

**Justice Permod Kohli, Chairman :**

The applicant in this OA applied for the post of Junior Resident (Dental) on *ad hoc* basis at Dr. Baba Saheb Ambedkar Hospital, Government of NCT of Delhi in response to the notice (Annexure

A/1). As many as six vacancies were advertised. Pursuant to the written examination held on 15.02.2016, final list of selected candidates was published, wherein the applicant's name finds place at serial number 1 in the wait listed candidates under the OBC category (Annexure A/2). On completion of the selection process, the applicant was offered appointment as Junior Resident (Dental) vide order dated 05.04.2016 (Annexure A/3). Her appointment was for a period of 45/89 days or till the regular incumbent joins, whichever is earlier. Consequent upon the aforesaid appointment, the applicant joined on 06.04.2016 and is serving since then. The respondents extended the tenure of the applicant at her request dated 25.06.2016, which is expiring on 05.10.2016. The grievance of the applicant is that she is entitled to complete one year residency in view of the Government of India's policy. The learned counsel for the applicant has relied upon judgment dated 01.06.2016 passed by this Tribunal in OA No.1893/2016 - *Dr. Paras Gupta v Government of NCT of Delhi & others*. The learned counsel submits that the matter is squarely covered by the aforesaid judgment.

6. We have heard the learned counsel for parties. We find that the present case is squarely covered by the judgment in OA No.1893/2016, wherein the Tribunal relying upon its earlier judgment dated 13.05.2016 passed in OA No.421/2016 - *Dr. Ankita*

*Sharma and others v Government of NCT of Delhi and others*, made the following observations:

“10. We find that the circular of the Delhi Government which is in clear conflict with the policy of the Central Government is not sustainable. However, without dealing with this circular and in tune with the earlier judgment of this Tribunal, we allow the applicant to make a fresh representation within a period of one week to Secretary, Health and Family Welfare Department, Government of NCT of Delhi. On receipt of such representation, the same shall be dealt with in accordance with the Government of India Scheme of 1992 and the observations made in the earlier OA and hereinabove. The respondents will particularly address the question of re-engagement of the applicant up to the period of one year including her earlier period of engagement. A reasoned and speaking consequential order shall be passed by the respondents within a period of thirty days from the date of receipt of representation to be filed by the applicant.”

When this judgment was not complied with, the applicant therein initiated contempt proceedings in CP No.345/2016. During the pendency of the contempt proceedings, the respondents passed an order dated 29.09.2016, which reads as under:

“This department has received the copy of the Hon’ble CAT order dated 01.06.2016 in OA No.1893/2016 titled as Dr. Paras Gupta V/s GNCT of Delhi, where the Hon’ble CAT has passed the order as below:-

“We find that the circular of the Delhi Government which is in clear conflict with the policy of the Central Government is not sustainable. However, without dealing with

this circular and in tune with the earlier judgment of this Tribunal, we allow the applicant to make a fresh representation within a period of one week to Secretary, Health and Family Welfare Department, Government of NCT of Delhi. On receipt of such representation, the same shall be dealt with in accordance with the Government of India Scheme of 1992 and the observations made in the earlier OA and hereinabove. The respondents will particularly address the question of re-engagement of the applicant up to the period of one year including her earlier period of engagement. A reasoned and speaking consequential order shall be passed by the respondents within a period of thirty days from the date of receipt of representation to be filed by the applicant."

Further, a representation dated 07/06/2016 has also been received from the applicant Dr. Paras Gupta which has been considered in view of the aforesaid CAT direction and it has been decided that Medical Superintendent of Sanjay Gandhi Memorial Hospital will allow her to work as Jr. Resident, Dental in the hospital for a maximum period of one year including her previous tenure in the Hospital subject to observance of all codal formalities.

This issues with the approval of Competent Authority."

The applicant in the aforesaid OA has been allowed to continue as Junior Resident (Dental) in the Hospital for a maximum period of one year, including her previous tenure.

7. In this view of the matter, this Application is disposed of at the admission stage in terms of the directions contained in judgment dated 01.06.2013 passed in OA No.1893/2016 duly

implemented vide order dated 29.09.2016. Applicant in the present OA is entitled to same relief. We direct the respondents to grant similar treatment to the applicant.

**( V. N. Gaur )**  
**Member (A)**

**( Justice Permod Kohli )**  
**Chairman**

/as/