

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 3662/2015

M.A. No. 3312/2015

New Delhi, this the 15th day of February, 2017.

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. P.K. BASU, MEMBER (A)

1. Dr. Ritu, Specialist (Pediatrics),
Aged about 46 years
D/o Late Mr. Surender Paul,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o 236, Sector 37, NOIDA,
District Gautam Budh Nagar,
Uttar Pradesh.
2. Dr. Chandra Kiran Jha, Medical Officer,
Aged about 44 years
D/o Mr. K. Jha,
Posted/working at : NDMC Dispensary,
(School Health)
New Delhi Municipal Council, New Delhi.
R/o B-3, Delhi Government Residential
Complex, Sector D-2, Vasant Kunj,
New Delhi – 110 070.
3. Dr. Shivani Kapoor, Medical Officer,
Aged about 40 years
D/o late Mr. J.M. Gulati,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o 22/6, First Floor, Tilak Nagar,
New Delhi.
4. Dr. Simi Gulati, Specialist (Ophthalmology)
Aged about 40 years
D/o Dr. J.S. Dardi,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o B-3/185, Janakpuri,
New Delhi – 110 058.

5. Dr. Jasvinder Kaur, Specialist (Cardiology),
Aged about 44 years
D/o Dr. T.S. Sumni,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o SU-54, Pitampura,
New Delhi – 110 034.
6. Dr. Rekha Ghai, Specialist (Pathology),
Aged about 43 years
D/o Col. S.P. Ghai,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o 235, Vasant Enclave,
New Delhi – 110 021.
7. Dr. V.M. Saini, Specialist (Surgery),
Aged about 46 years
S/o Dr. C.M. Saini,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o B-8, Marg-2, In front of Gyan Bharti School,
Gate no.5, Saket, New Delhi.
8. Dr. Shelly Dua Chauhan, Medical Officer,
Aged about 44 years
D/o late Dr. G. Dua,
Posted/working at : NDMC Dispensary, Rohini,
New Delhi Municipal Council, New Delhi.
R/o C 8/284, Lawrence Road,
Near Keshavpuram Metro Station,
Opposite Pillar No.262, Delhi-110 035.
9. Dr. Shreela Mishra, Specialist (Pathology),
Aged about 43 years
D/o Mr. R.K. Mishra,
Posted/working at : Palika Maternity Hospital,
New Delhi Municipal Council,
Lodhi Road, New Delhi.
R/o 7G, Himalaya Legend,
Nyaykhand-I, Indrapuram,
Ghaziabad.
10. Dr. Rachna Pahuja, Medical Officer,
Aged about 38 years

D/o Mr. J.N. Pahuja,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o Flat No.601, Aster-3,
Supertech Emerald Court,
Sector -93, NOIDA-301201.

11. Dr. Anand Kumar Singh, Medical Officer,
Aged about 41 years
S/o Mr. B.B. Singh,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o 6, Satya Kutumb, Satya Marg,
Chankyapuri, New Delhi.
12. Dr. Rahul Singh, Medical Officer,
Aged about 39 years
S/o Mr. S.P. Singh,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o B-10, Flat No.7172, Vasant Kunj,
New Delhi.-110070.
13. Dr. Kamal Nayan Sharma, Medical Officer,
Aged about 39 years
S/o Mr.L.K. Sharma,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o C-203, Panchsheel Apartments,
Sector-4, Dwarka, New Delhi-110075.
14. Dr. Ankita Rai, Medical Officer,
Aged about 34 years
D/o Dr. M.K. Rai,
Posted/working at: NDMC Dispensary,
New Delhi Municipal Council, New Delhi.
R/o A-113, Madhuban,
Delhi – 110 092.
15. Dr. Sumit Nath, Medical Officer,
Aged about 36 years
S/o Mr. Jogender Nath,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.

R/o KC-20B, Ashok Vihar Phase-I,
Delhi – 110052.

16. Dr. Sanchita Sarkar, Specialist (Anaesthesia)
Aged about 35 years
D/o late Mr. S.K. Sarkar,
Posted/working at: Palika Maternity Hospital,
New Delhi Municipal Council,
Lodhi Road, New Delhi.
R/o 37, Masjit Moth DDA Flats, Phase-I,
New Delhi-110048.
17. Dr. Afzal Ali Khan, G.D.M.O.,
Aged about 39 years
S/o Mr. A.A. Khan,
Posted/working at : NDMC Dispensary
New Delhi Municipal Council, New Delhi.
R/o A-115, First Floor, Street No.4,
Johri Farm, Jamia Nagar, Okhla,
New Delhi – 110 025.
18. Dr. Seema Jain, Specialist (Obst. & Gynae)
Aged about 52 years
D/o Mr. S.C. Jain,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o Flat No.1, Krishna Apartments,
Ground Floor, 20-B/21-A, Krishna Nagar,
Safdarjung Enclave, New Delhi-110 029.
19. Dr. Amresh Kumar, Medical Officer,
Aged about 43 years
S/o late Mr. Anmol Kumar,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o 5, XY Block, Sarojini Nagar,
New Delhi-110023.
20. Dr. Sushim Mathur, Medical Officer,
Aged about 38 years
S/o Mr. H.C. Mathur,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o Daisy Tower 202, Omaxe Green Valley,
Sector 41-42, Faridabad, Haryana-121001.

21. Dr. Vivek Mehra, Medical Officer,
Aged about 37 years
S/o Mr. I.S. Mehra,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o 165, D-6, Kaveri Apartments,
Vasant Kunj, New Delhi – 110 070.
22. Dr. Amitabh Kumar, Specialist.
Aged about 43 years
S/o Mr. Awadhesh Kumar,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o B-406, Lovely Home Apartments,
Plot-5, Sector-5, Dwarka, New Delhi.
23. Dr. Sushant Saurav, Medical Officer,
Aged about 34 years
S/o Mr. G. Prasad,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o Flat 56, Suruchi Apartment,
Sector-10, Plot 31, Dwarka,
New Delhi – 110 075.
24. Dr. Willsee Dhawan, Medical Officer,
Aged about 33 years
S/o Mr. B. Dhawan,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council, Moti Bagh, New Delhi.
R/o 245C, DG2 Flats,
Vikaspuri, New Delhi – 110 018.
25. Dr. Soibam Samerika Devi, Medical Officer,
Aged about 34 years
D/o Mr. S.S. Singh,
Posted/working at : Palika Maternity Hospital,
New Delhi Municipal Council,
Lodhi Road, New Delhi.
R/o 62-M, 1st Floor, Flat No.4,
Humayunpur, Safdarjung Enclave,
New Delhi – 110 029.
26. Dr. Santosh Kumar, Medical Officer,
Aged about 40 years
S/o Mr. R.S. Sah,

Posted/working at : NDMC Chest Clinic
 New Delhi Municipal Council,
 Shivaji Stadium, New Delhi.
 R/o D 130/2, Chattarpur Extension,
 New Delhi.

27. Dr. Seema Ahuja, Specialist (Anaesthesia)
 Aged about 38 years
 W/o Mr. Hitanshu Ahuja,
 Posted/working at : Charak Palika Hospital,
 New Delhi Municipal Council,
 Moti Bagh, New Delhi.
 R/o HDB 7F, LIG Flats, Hari Nagar,
 New Delhi.
 28. Dr. Udhgeeth Bhandari, Specialist,
 Aged about 36 years
 S/o Mr. V.M. Bhandari,
 Posted/working at : Charak Palika Hospital,
 New Delhi Municipal Council,
 Moti Bagh, New Delhi.
 R/o B-18/8, First Floor, Double Storey,
 Ramesh Nagar, New Delhi – 110 015.
 29. Dr. Harsha Pamecha, Specialist (Ophthalmology)
 Aged about 41 years
 D/o Mr. Viniyendra Pamecha,
 Posted/working at : Charak Palika Hospital,
 New Delhi Municipal Council,
 Moti Bagh, New Delhi.
 R/o A-13, Type-VI,
 Delhi Government Residential Complex,
 D2, Vasant Kunj, New Delhi.
 30. Dr. Rajesh Kumar, Medical Officer,
 Aged about 46 years
 s/o late Mr. Kishan Ram,
 Posted/working at : NDMC Dispensary,
 New Delhi Municipal Council,
 Panchkuiyan Road, New Delhi.
 R/o C-392, Omicron, Gautam Budh Nagar,
 Greater Noida, Uttar Pradesh.
- ... Applicants

(By Advocate: Shri Pardeep Kumar)

Versus

1. Union Public Service Commission
 [Through/Service to be effected upon its: Secretary

At: Dholpur House, Shahjahan Road,
New Delhi – 110 002].

2. New Delhi Municipal Council,
[Through/Service to be effected upon its: Chairman
At : Palika Kendra, Parliament Street,
New Delhi – 110 001].
3. Government of N.C.T. Delhi,
[Through/Service to be effected upon its:
Chief Secretary, at: 5th Floor,
Delhi Secretariat, I.P. Estate,
New Delhi – 110 002].
4. Union of India
[Through/Service to be effected upon its: Secretary,
At: Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi-110 001].

...Respondents

(By Advocate: Shri R.N. Singh for Shri R.V. Sinha for R-1,
Ms. Sriparna Chatterjee for R-2)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard both the sides.

2. MA 3312/2015 filed for joining together is allowed.
3. The applicants, who are presently working as Doctors in various specialities on contractual basis, filed the present O.A. seeking the following relief:

- “(a) Quashing and setting aside of the impugned ‘UPSC’ letter No.3/24N(1)/2014-RR dated 23.06.2015;
- (b) Directing ‘UPSC’ to forthwith cease and desist from its attempt to assume the role of decision making authority over and above the rule making authority i.e. ‘NDMC’ herein, to defeat the applicants right, interest to be considered for regularization/regularized;

- (c) Directing 'UPSC' to suggest 'NDMC', as regard its decision to modify rule 5(1) by inserting Clause 5(3) and in schedule (V) of the regulations, the very same method of carrying out relaxation and its implementation as suggested to 'GNCTD';
- (d) Directing 'UPSC' to initiate suitability assessment of the applicants herein for regularization in manner ditto identical with the one as adopted for suitability assessment of the contractual Doctors of 'GNCTD', with due credence to the experience, work/performance, of the applicants herein, with age, other relaxations as given to contractual Doctors of 'GNCTD';
- (e) Directing respondents to regularise services of the Applicants herein;
- (f) Any other or further order or direction to grant complete relief to the applicants."

4. It is their basic grievance that in view of their long service and possession of the required essential qualifications, their services should be regularised and they should be appointed on a regular basis. The said claim is under consideration in the respondent – New Delhi Municipal Council since long time.

5. In this connection, the UPSC has written a letter expressing its views vide impugned Annexure A-1 dated 23.06.2015.

6. In our view, the O.A. is not maintainable against the impugned Annexure A-1 dated 23.06.2015, which is an internal correspondence between the UPSC and the NDMC. At this stage, the learned counsel for the applicant seeks indulgence for issuance of a direction to the respondents – NDMC to take a final view in the matter, as they have already taken a decision way back on

11.09.2014 itself and also passed an office order dated 10.10.2014 (Annexure A-14) stating that the term of the contract of contractual Medical Officers/Non-Teaching Specialists of different streams is extended w.e.f. 01.07.2014 for a period of 5 years or till their regularisation or attaining the age of 60 years, whichever is earlier.

7. In the circumstances, the O.A. is disposed of by directing the respondent – NDMC to take a final view on the claim of regularisation of the applicants and to pass an appropriate speaking and reasoned order thereon, in accordance with law, within 90 days from the date of receipt of a copy of this order. No order as to costs.

(P.K. BASU)
Member (A)

(V. AJAY KUMAR)
Member (J)

/Jyoti/