

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.3766/2017

New Delhi this the 30th day of October, 2017

HON'BLE MR. JUSTICE PERMOD KOHLI, CHAIRMAN
HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)

Dr. Sudha,
Occupation: Medical Professional,
Working as Junior Resident
(Dental Surgeon)
Sanjay Gandhi Memorial
Hospital, Mangolpuri,
New Delhi
Group 'B' (PB-3)
Age about 25 Years
D/o Ramesh Kumar
R/o RZ-35, X Block,
New Roshan Pura,
New Delhi-110043. Applicant

(By Advocate: Mr. Kumud Shekhar with Ms. Rituraj Biswas)

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,
Delhi-110017.
3. Medical Superintendent,
Sanjay Gandhi Memorial Hospital,
Mangolpuri,
New Delhi-110083. Respondents

(By Advocate: Sh. N.K. Singh)

ORDER (ORAL)**Hon'ble Mr. Justice Permod Kohli, Chairman**

The applicant is working as Junior Resident (Dental Surgeon) in Sanjay Gandhi Memorial Hospital, New Delhi having being engaged consequent upon advertisement issued on 23.11.2016. The applicant belongs to OBC category. On being selected/engaged vide offer of appointment dated 13.04.2017, the applicant joined on 20.04.2017. The respondents have now initiated fresh process to fill up the post of Junior Resident (Dental Surgeon) vide fresh advertisement dated 10.10.2017. The engagement of the applicant was continued up to 19.10.2017 and thereafter she has not been permitted to work. It is under these circumstances that this application has been filed seeking direction to allow the applicant to continue as Junior Resident for full tenure of one year.

2. It is not in dispute that the MCI has issued guidelines whereunder tenure of Junior Residency is notified as one year. The applicant is not being permitted to complete the tenure of one year and it is in contravention to the guidelines. One fails to understand the purpose of engagement of Jr. Resident Doctors tenure for a period of less than one year as it is neither in the public interest nor in the interest of institution or the person whose services are sought to be disengaged prematurely before allowing such Doctor to complete one year Junior Residency. The

applicant was selected on the basis of walk in interview. The new process is also in the same manner.

3. Learned counsel for the applicant submits that there is one post of OBC. We do not find any valid ground to disengage the applicant prematurely and to fill up the post in similar manner. Earlier also this Tribunal has issued directions to allow the Junior Residents to complete the tenure of one year.

4. In this view of the matter, we dispose of this OA at the admission stage itself with direction to the respondents to allow the applicant to complete one year of Junior Residency. The applicant shall be re-inducted as Junior Resident forthwith and allowed to complete one year as Junior Resident.

(K.N. SHRIVASTAVA)
MEMBER (A)

(JUSTICE PERMOD KOHLI)
CHAIRMAN

/ns/