

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 3856/2015
M.A. No. 3518/2015

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. Preeti Srivastava, Medical Officer,
Aged about 47 years
W/o Dr. R.K. Srivastava,
Posted/working at : MCW Center,
New Delhi Municipal Council,
Kidwai Nagar, New Delhi.
R/o 267, Laxmi Bai Nagar,
New Delhi – 110 023.

2. Dr. Virender Kumar, Medical Officer,
Aged about 39 years
S/o Mr. Pyare Lal,
Posted/working at : Charak Palika Hospital,
New Delhi Municipal Council,
Moti Bagh, New Delhi.
R/o H.No. 80, Priyadarshani Apartments,
A4, Paschim Vihar,
New Delhi.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 and
Shri S.N. Verma for R-4)

ORDER (ORAL)

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

Heard both the sides.

2. MA 3518/2015 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)

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