

**Central Administrative Tribunal  
Principal Bench**

**OA No.3915/2016**

New Delhi, this the 28<sup>th</sup> day of November, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. Shekhar Agarwal, Member (A)**

Dr. Shahanwaz Ali(Lecturer), 59 years  
S/o Shri Abdul Latif Ansari  
R/o B-1034, Opp. Madina Masjid  
(Zia Medicos), Gali No.1, Kabir Nagar  
Shahdara, Delhi-110094. ....Applicant

(By Advocate: Shri K C Mittal and Ms. Ruchika Mittal)

**Versus**

1. Government of National Capital  
Territory of Delhi, Through the Chief Secretary  
I.P. Sachivalaya, New Delhi-110002.
2. The Principal Secretary, Health & Family Welfare  
Government of National Capital Territory of Delhi  
I.P. Sachivalaya, New Delhi-110002.
3. Director, Indian System of Medicine  
Government of National Capital  
Territory of Delhi, Directorate of Health Services  
Karkardooma, Delhi.
4. The Administrator, Ayurvedic & Unani  
Tibbia College & Allied Units  
Government of National Capital  
Territory of Delhi, Karol Bagh  
New Delhi-110005.
5. Union Public Service Commission  
Through its Secretary  
Shahjahan Road, New Delhi. ....Respondents

(By Advocate: Shri R V Sinha and Shri N K Singh for Mrs. Avnish Ahlawat)

**ORDER (ORAL)****Justice Permod Kohli, Chairman :-**

The applicant joined as Hakeem in Unified Pharmacy, Hindustani Dawakhana & Ayurvedic Rasayanshala, Ballimaran, Delhi on 21.02.1987. He joined as a Lecturer-Moalijat in A & U Tibbia College, which is an allied unit and is continuing there w.e.f.28.10.1998. The A&U Tibbia College was taken over by the Govt. of NCT of Delhi by an Enactment, namely, Delhi Tibbia College (Takeover) Act 1997. The applicant was allowed to continue in service even after take over by virtue of section 7 of the Act. He falls within the initial constitution of the service as also alleged in the OA. One of the similarly situated employee, namely, Shri H C Gupta filed OA No.4303/2014 before this Tribunal seeking his regularization and consequential benefits on the basis of a Cabinet Decision of the NCT of Delhi for regularization of such adhoc/contractual teachers of ISM Stream. This Tribunal vide its Order dated 16.02.2016 passed the following direction in the aforesaid OA:-

"10. In view of the admission of the Govt. of NCT of Delhi that they are committed to regularize the services of the applicant, there is not much left for us to do. However, we would like to place our considered view on the issue in this order. Considering the fact that the applicant was appointed in the year 1998 following due process against regular vacancy and commitment of the State Government to regularize his services had

been issued in the form of order on 07.10.2008, we are aghast to note that the process is still not complete even after a period of 8 years from the date of decision. The speed at which the respondent – organization has been moving would even put a snail to shame. One must appreciate the anxiety persisting in the mind of the applicant, who continues to serve through uncertainty on ad hoc appointment without having been regularized and mental torture which he must have suffered. Therefore, we strongly deprecate the inability of the respondent- organization to take the process of regularization committed by them way back in 2008 to its logical conclusion. We also note that both the UPSC and the GNCTD are parties to this proceeding. We, therefore, direct them to convene DPC to consider the process of regularization of services of the applicant from the date of their initial appointment, within a period of three months from the date of receipt of a certified copy of this order positively. Impediments, if any, should be removed by the process of consultation and not by undertaking lengthy and convoluted correspondence.

11. With the above directions, the OA is allowed. No order as to costs."

2. Before the aforesaid Order came to be passed by this Tribunal, vide circular dated 11.06.2013, the CR dossiers of the contractual/ad hoc lecturers, serving with the A&U Tibbia College, Karol Bagh were forwarded to the UPSC for their consideration for regularisation. The applicant's name figured at Sl. No. 16 of the said circular.

3. It is not in dispute that the case of the applicant is squarely covered by the Order dated 16.02.2016 passed in OA No.4303/2014. In this view of the matter, this application is disposed of in terms of the aforesaid

directions. The directions contained in the said Order shall also be applied to the case of the applicant. Since the applicant is due to retire, it is directed that till his retirement on superannuation, he shall be allowed to continue in the present capacity. There shall be no order as to costs.

**( Shekhar Agarwal )**  
**Member(A)**

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

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