

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 230/2016

This the 18th day of September, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Dr. Akshay Bahadur,
S/o. Shri Madan Gopal,
Aged about 47 years,
R/o. B-79, 2nd Floor,
Nirman Vihar,
Delhi-92,
Presently working as Specialist Surgery
At Lal Bahadur Shastri Hospital,
Khichripur, Delhi.

...Applicant

(By Advocate : Mr. T. Gopal for Mr. Jaideep Singh)

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 – 110 002.
2. The Director, Directorate of Health Services,
Government of NCT of Delhi,
F-17, Karkardooma,
Delhi – 110 032.
3. Union Public Service Commission
Through Secretary,
Dholpur House,
Shahjahan Road,
New Delhi – 110 069.

...Respondents

(By Advocate : Mr. Amit Anand for respondents no. 1 and 2,
Mr. Naresh Kaushik with Mr. Lakshay Juneja for
respondent no. 3)

O R D E R (O R A L)

Justice L. Narasimha Reddy, Chairman :

The O.A is filed with a prayer to set aside the letters dated 16.01.2014 issued by the UPSC to the NCT of Delhi in the context of fixation of seniority, to the members of the Health Services and to direct the respondents to take into account the services rendered by the applicant from the date of initial appointment. In other words, the applicant wants the ad hoc services rendered by him to be taken into account for purpose of fixation of seniority.

2. The respondents filed counter affidavit opposing the O.A. It is stated under the relevant rules that the applicant can become member of service only with effect from 23.12.2009 and not earlier there to, notwithstanding the fact that he has been appointed on ad hoc basis on an earlier date.

3. Heard Mr. T. Gopal for Mr. Jaideep Singh, learned counsel for applicant and Mr. Amit Anand for respondents no. 1 & 2 and Mr. Naresh Kaushik with Mr. Lakshay Juneja for respondent no. 3.

4. The issue that has arisen for consideration in this O.A is no longer *res integra*. Through a detailed order dated

23.05.2017 in O.A No. 604/2014 and O.A No. 238/2015, a Bench of this Tribunal held that ad hoc services rendered by the medical officers cannot be reckoned for the purpose of seniority. It was also mentioned that the ad hoc appointment was not made in accordance with the prescribed procedure. Following the said order, this Tribunal dismissed the O.A No. 1746/2018 through an order dated 19.07.2018. The same situation obtains in this case also. Therefore, the O.A is dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/