

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

O.A No.979/2018

New Delhi, this the 18th day of July, 2018

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

Dr. Neha Verma
Aged 35 years,
Senior Resident (ENT)
Guru Teg Bahadur Hospital,
Govt. of NCT of Delhi.
Dilshad Garden, Delhi 110 095.Applicant

(By Advocate : Mr. Pramod K. Verma)

Versus

1. Govt. of NCT of Delhi,
Through the Secretary,
Ministry of Health and Family Welfare,
Delhi Secretariat,
Govt. of NCT of Delhi.
2. Medical Superintendent,
Guru Teg Bahadur Hospital,
Govt. of NCT of Delhi,
Dilshad Garden, Delhi – 110 095. ...Respondents

(By Advocate : Ms. Harvinder Oberoi)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant was appointed as Senior Resident (ENT) in Guru Teg Bahadur Hospital, Govt. of Delhi through order dated 08.08.2015. The tenure was mentioned as one year, extendable up to a maximum of three years. It is stated that she joined service on 13.11.2015. The office order dated 16.12.2017 issued by the administrative hospital extended tenure of the applicant from 13.11.2017 to 24.03.2018 stating that she is entitled to continue as

Senior Resident in the Hospital till completion of three years i.e., 13.11.2018. The applicant contends that her tenure cannot be restricted to three years. Hence, the applicant filed this O.A.

3. In the counter affidavit, the respondents state that the applicant does not have any right to continue beyond one year and it is always the discretion of the hospital administration whether or not to continue.

4. Heard Mr. Pramod K. Verma, learned counsel for applicant and Ms. Harvinder Oberoi, learned counsel for the respondents.

5. The appointment of the applicant is through order dated 08.08.2015, (Annexure A/3). As regards the tenure, it is mentioned that it shall be one year, extendable up to a period of three years. It is alleged that the tenure of many other Senior Residents has been extended from time to time. Even in the impugned order, tenure is extended for some of such Doctors up to 19.10.2018 and 08.12.2018 whereas, in the case of applicant it is mentioned as extended up to 24.03.2018. No specific reason is mentioned for such a differential treatment.

6. The Tribunal passed the interim order enabling the applicant to continue beyond 24.03.2018. Now, the applicant can make a representation for extension of her term in accordance with the order of appointment. The respondents can take a decision on the representation and pass a reasoned order. We, therefore, dispose of the O.A with the following directions:

- (a) It is left open to the applicant to submit a representation as regards extension of her tenure within 10 days from today.

(b) On receipt of such representation, the respondents shall pass an order thereon within 15 days thereafter. If the respondents are otherwise willing, they can extend the tenure of the applicant as well as other similarly situated persons, beyond 3 years also.

(c) Till such an order is passed, the applicant shall be entitled to continue in service on the same terms but not beyond three years from the date of her joining the service.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/