

**Central Administrative Tribunal
Principal Bench**

**OA No.1746/2018
MA No.1917/2018**

New Delhi, this the 19th day of July, 2018

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

Dr. Avinash Kumar, S/o Shri I.P. Verma
Aged 48 years, Designation-Specialist Grade-I
Medicine, B-3/4E, Gasta Complex
Paschim Vihar, New Delhi-110063.Applicant

(By Advocate: Shri Sagar Saxena and Shri Omung Gupta)

Vs.

1. The Lt. Governor, Govt. of NCT of Delhi
6, Raj Niwas, Delhi-54.
2. Government of NCT of Delhi
Through its Chief Secretary
5th Floor, Delhi Secretariat
I.P. Estate, New Delhi-110002.
3. The Principal Secretary
Health & Family Welfare Department
9th Floor, A-Wing, Delhi Secretariat
Delhi-110002.
4. Department of Health & Family Welfare
Govt. of NCT Delhi, New Delhi.
5. The Chairman, Union Public Service Commission
Dhoulpur House
Shahjhan Road, New Delhi.Respondents

(By Advocates: Shri Naresh Kaushik, Shri Amit Anand and Shri R.V. Sinha)

ORDER (ORAL)

Justice L. Narasimha Reddy :-

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There is an Application with a prayer to condone the delay. We have heard the learned counsel for the

parties. In view of the reasons mentioned in the Application, we condone the delay. MA is accordingly disposed of.

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2. This OA is filed with a prayer to direct the respondents to reckon the seniority of the applicant from 18.12.2006 on which date the Delhi Health Service was initially constituted. The service rules that govern the service were notified w.e.f. 23.12.2009. The Delhi Administration has treated all the incumbents who joined the service earlier to the date of notification, as having become the members of the service from the notified date, i.e., 23.12.2009. The applicant contends that Rule 6(2) of the said Rules itself mandates that even those who joined the service on 18.12.2006 shall be deemed to have become members of the service at the entry level and that on a correct interpretation of that Provision he is entitled to be treated as having become member of the service w.e.f. 18.12.2006. Analogy is sought to be drawn from the benefit extended to Unani and Ayush doctors whose service rules have already been notified in the year 2013.

3. The respondents filed counter affidavit opposing the OA.

4. We heard Shri Sagar Saxena, learned counsel for the applicant and Shri Naresh Kaushik, Shri R.V. Sinha and Shri Amit Anand, learned counsel for the respondents.

5. We would have certainly examined the points urged by learned counsel for the applicant in detail. The fact remains that the same question was dealt with by this Tribunal in OA No.604/2014 and OA No.238/2015 vide common Order dated 23.05.2017. The Tribunal discussed the relevant provisions of law and held that the applicants therein, are not entitled to seniority by counting their past service. Since the applicants herein are similarly situated as the applicants in the aforesaid OAs, they are not entitled to reckon their service with effect from 18.12.2006. Following the said order, we dismiss this OA. There shall be no order as to costs.

(Aradhana Johri)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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