

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

OA No. 060/00722/2017 Date of decision- 06.12.2017

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...
Dr. Shelly, aged 40 years W/o Varinder Singh, Assistant Medical Officer (Dental) Class III, Group C, ESI Dispensary, Sector 29, Chandigarh.

...APPLICANT

BY ADVOCATE : Mr. H.K. Aurora.

VERSUS

1. The Administrator, Union Territory, Chandigarh.
2. The Chandigarh Administration, Chandigarh through its Health Secretary, U.T Secretariat, Sector 9, Chandigarh.
3. The Director, Health Services, UT, Sector 16, Chandigarh, Chandigarh.

...RESPONDENTS

BY ADVOCATE: Mr. Rajesh Punj.

ORDER (ORAL)

SANJEEV KAUSHIK, MEMBER(J):-

The applicant challenged the correctness of order dated 22.02.2017 whereby her request for regularization of service on completion of 10 years of service has been deferred due to pendency of writ petition as relied upon by her being passed in similarly placed person.

2. Learned counsel for the applicant submitted that present applicant is similarly situated person like the applicants in O.A No. 93-CH-2009 titled **Dr. Anjali Gupta & Ors. Vs. U.T, Chandigarh & Ors.** The applicant was appointed after a positive act of selection against the regular vacancy and inadvertently, the respondents have incorporated the words 'contractual basis' in the appointment letter of

applicant and other similarly situated persons. Which was challenged by other persons in case of Dr. Anjali Gupta (supra) before this Court where while allowing the O.A, this Court directed the respondents to delete that condition by recording reasoning in para 15 of the order dated 17.08.2010 (Annexure A-4). He also apprised this Court that order of this Court is under challenge before the Hon'ble jurisdictional High Court in CWP No. 22055/2010 at the hands of the Chandigarh Administration. As per the averment of the learned counsel for the applicant, no stay has been granted by the Hon'ble High Court. He submitted that based upon that, the applicant also submitted representation which has been rejected vide impugned order on the ground that the matter is under sub-judice. He prayed that being similarly situated person, she be also granted the same benefit subject to final outcome of the order in pending writ petition by directing the respondents to consider the claim of the applicant in the light of the decision rendered in case of Dr. Anjali Gupta (supra) subject to final outcome of the writ petition.

3. Mr. Punj, learned counsel for the respondents did not dispute the above fact. However, he submitted that since the matter is pending before the Hon'ble High Court, therefore, they have deferred the decision.

4. Considering the fact that writ petition is pending before the Hon'ble High Court, we dispose of the present O.A with a direction to the respondents to consider the claim of the applicant in the light of the ratio laid down in case of Dr. Anjali Gupta (supra) and if the applicant is found to be similarly situated like the applicant therein, then the benefit be granted, subject to final outcome of the pending

writ petition in that case. The applicant will also abide by the decision of the Hon'ble High Court.

5. Let the above exercise be carried out within a period of two months from the date of received of a certified copy of the order.

No costs.

6. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 06.12.2017.

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