

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00098/2019

Chandigarh, this the 13th day of February, 2019

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

...
Dr. Sonalika Yadav, age 46 years, w/o Sh. Gaurav Yadav, Assistant Medical Officer (Allopathic) Class III, Civil Dispensary, Sector 11, Chandigarh – 160011 (Group C)

.....Applicant

(Present: Mr. H.K. Aurora, Advocate)

Versus

1. The Administrator, Union Territory, Chandigarh – 160019.
2. The Chandigarh Administration, Chandigarh through its Principal Secretary, Health, UT Secretariat, Sector 9, Chandigarh – 160009.
3. The Director, Health Services, Government Multi Speciality Hospital, Sector 16, UT, Chandigarh, Chandigarh – 160015.

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Respondents

**ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)**

1. Applicant, by way of the present O.A., has assailed the order dated 18.01.2019 whereby the application for regularization of her services has been rejected.

2. Learned counsel vehemently argued that the request of the applicant for regularization, which was based upon judicial pronouncements, has been rejected by a non-speaking order and is therefore, no sustainable in the eyes of law. He submitted that the services of the similarly placed person like the applicant namely Dr. Anjali Gupta have been regularized in pursuance of order dated 17.08.2010 passed by this Court in O.A. No. 93/CH/2009 titled

Anjali Gupta & Others Vs. Administrator UT Chandigarh & Others, (Annexure A-4), wherein a direction was issued to the

respondents, to regularize the services of the applicants as they had been appointed against the sanctioned posts through regular selection process and as per rules. This order was challenged by the Chandigarh Administration in CWP No. 22055/2010 and also by the applicants in CWP NO. 959/2011 seeking all the consequential benefits, and these CWPs were disposed of, vide order dated 21.01.2019, with a direction to the respondents to grant all the consequential benefits to the doctors, strictly as per the judgment dated 17.08.2010 by counting their contractual period also for the purpose of seniority, promotion, arrears of salary, fixation of pay etc. Learned counsel submitted that once similarly placed doctors like the applicant have been allowed the consequential benefits, the respondents cannot possibly deny the similar benefit to the applicant. He prayed that the impugned order be quashed and a direction be issued to the respondents to reconsider the case of the applicant for regularization and consequential benefits, in the light of relied upon case.

3. Considering the indicated short prayer made on behalf of the applicant, we are of the view that there is no need to put the respondents on notice and call for their reply. The impugned order (Annexure A-1), being non-speaking one, is hereby quashed and set aside. The O.A. is disposed of, in limine, with a direction to the respondents to consider the case of the applicant afresh in the light of the order passed by this Court in the case of Dr. Anjali Gupta & Others (supra), and further upheld by the Hon'ble Jurisdictional High Court with specific directions. If the applicant is found similarly situated like the applicant in the relied upon case, the

relevant benefits be extended to her, otherwise a reasoned and speaking order be passed thereon. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 13.02.2019

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