

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO. 060/00680/2017

Chandigarh, this the 17th day of December, 2018

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

...

1. Dr. Vaneeta Sapra age 47 years, Social Worker (Medical), under Human Reproduction Research Centre (ICMAR Project), Department of Obstetrics and Gynecology, Postgraduate Institute of Medical Education and Research, Chandigarh R/o # 421, Sector 56, Chandigarh (Group-C),
2. Dr. Amit Bhattacharjee, Research Officer (Non-Medical), Under Human Reproduction Research Centre (ICMAR Project), Department of Obstetrics and Gynecology, Postgraduate Institute of Medical Education and Research, Chandigarh.
3. Mrs. Madhu Bala, Social Worker (Medical), under Human Reproduction Research Centre (ICMAR Project), Department of Obstetrics and Gynecology, Postgraduate Institute of Medical Education and Research, Chandigarh R/o 2879, Sector 40 C, Chandigarh.
4. Sh. Ishwar Singh, Driver, under Human Reproduction Research Centre (ICMAR Project), Department of Obstetrics and Gynecology, Postgraduate Institute of Medical Education and Research, Chandigarh R/o 2344, Indira Colony, Chandigarh,
5. Sh. Naveen Chauhan, Clerk, under Human Reproduction Research Centre (ICMAR Project), Department of Obstetrics and Gynecology, Postgraduate Institute of Medical Education and Research, Chandigarh R/o 1509-F, Adarsh Nagar, Naya Gaon, District Mohali, Punjab.
6. Dr. Sumitu Sahdev, Research Officer, Scientist-1, under Human Reproduction Research Centre (ICMAR Project), Department of Obstetrics and Gynecology, Postgraduate Institute of Medical Education and Research, Chandigarh R/o # 1039, Phase IV, Mohali.

....APPLICANTS

(By Advocate: Shri Rohit Sharma proxy for Shri P.M. Kansal)

VERSUS

1. Union of India through Secretary, Ministry of Health & Family Welfare, New Delhi, Nirman Bhawan, New Delhi-110001.
2. Postgraduate Institute of Medical Education and Research, Sector 12, Chandigarh through its Director.

3. Indian Council of Medical Research (ICMAR), through its Director General Sh. V. Ramalingaswami Bhawan, Ansari Nagar, New Delhi-110011.

....RESPONDENTS

(By Advocate: Shri D.R. Sharma)

ORDER (oral)

SANJEEV KAUSHIK, MEMBER (J)

The applicants herein have assailed order dated 1/4.07.2015 as conveyed vide letter dated 6/7.07.2015 (Annexure A-1) whereby the PGIMER, Chandigarh has rejected their claim for regularization due to non-availability of suitable vacancies.

2. After exchange of pleadings the matter came up for hearing when learned counsel for respondent no. 3 submitted that this O.A. can be disposed of in terms of affidavit filed by respondent no. 3 on 15.10.2018, copy of which has been placed at running page 199 of the paper-book, where the said respondent has decided to extend the benefit of regularization to the applicants in terms of decision rendered in O.A. No. 1332 of 2000. He submitted that since case of applicants no. 1 to 5 has already referred for their regularization and case of applicant no. 6 has not been considered for regularization as she joined the project on 1.4.2008 and resigned on 30.5.2016, so the case be disposed of accordingly.

3. The learned counsel representing the applicants submitted that he has no objection to remand of the matter back to respondents for fresh consideration in terms of the affidavit filed by the respondent no. 3.

4. In view of above, the impugned order is quashed and set aside and the matter is remitted back to respondents to reconsider the matter afresh in view of averments made in paragraphs 6 & 7 in affidavit filed by respondent no. 3 which reads as under:-

“6. That the applicant no. 1 to applicant no. 5 were engaged, purely on contract basis, in the project, namely, Human Research Reproductive Centre (HRRC) established by the Indian Council of Medical Research (ICMAR) attached to the Post Graduate Institute of Medical Education and Research, Chandigarh. The applicant no. 1 to applicant no. 5 joined between the years 1993 to 2000 and the applicant no. 6 joined in 2008.

7. That it is submitted that keeping in view the larger interest of the staff working under the HRRC project in various HRRC centers in the country (including applicant no. 1 to applicant no. 5), after due examination of the relevant documents/fitness of the HRRC staff, the matter is referred to the Government to obtain the requisite approvals from the concerned Ministries/Departments with inter-ministerial consultation for regularization of HRC staff (with effect from the date of original appointment with all consequential benefits, as given to other similarly placed employees in O.A. No. 1332 of 2000 etc.) in all the HRRC centers vide ICMAR's letter No. 175/Legal Cell/2014 dated 17.09.2018 (Annexure R-1).

5. No costs.

(P.GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 17.12.2018

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