

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.437/2019

Thursday, this the 7th day of February 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Dr. Kumar Ashish, aged about 38 years
Son of Rambali Singh
Resident of c/o Ramadhar Singh
Flat No.42, NPL Apartment
H Block, Vikaspuri
New Delhi – 110 018

..Applicant

(Mr. Amit Pawan, Mr. Akshat Srivastava and Mr. Akshay Sinha,
Advocates)

Versus

1. Union of India
Through Under Secretary
Ministry of Health & Family Welfare
CHS-I Section
Nirman Bhawan, New Delhi – 110 011

2. Under Secretary
Ministry of Health & Family Welfare
CHS-1 Section
Nirman Bhawan, New Delhi – 110 011

..Respondents

(Mr. Vijendra Singh, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The respondents initiated steps for appointment of Medical Officers in the Ministry of health & Family Welfare, in the year 2013. The applicant was selected and he was issued offer of appointment on 14.11.2014. On receipt of the same, the applicant

made a representation on 06.12.2014, stating that he got admission into the Post Graduation Diploma in Paediatrics and the course would be complete by 29.06.2016. He made a request that the joining time may be extended by two years, enabling him to complete the course. The respondents addressed a letter dated 16.12.2014 informing the applicant that the joining time cannot be extended beyond six months and in case he wants to pursue the course, he can submit a letter for revival of offer of appointment within forty five days from the date of completion of the course.

2. The applicant addressed a letter stating that he completed a Diploma course on 26.07.2016 and requested the respondents to permit him to join preferably, in a hospital at Delhi. This was considered by the respondents and through a letter dated 04.01.2017 they required the applicant to join at Dr. R.M.L. Hospital, New Delhi, within one month. However, the applicant addressed another letter dated 20.01.2017 stating that on account of the delay on the part of the respondents in responding to his request to permit him to join on completion of Diploma course, he joined the Secondary DNB course and that he may be granted another two years of time. That was rejected by the respondents through letter dated 13.09.2017 and the same was reiterated through another letter dated 19.04.2018. Both these communications are challenged in the present O.A.

3. The applicant contends that he joined the Secondary DNB course because of the delay on the part of the respondents in

replying to a request, seeking permission to join, and that there is no justification for them in issuing the impugned proceedings.

4. We heard Mr. Amit Pawan, learned counsel for applicant and Mr. Vijendra Singh, learned counsel for respondents.

5. The very purpose of appointing Medical Officers was to ensure that the services of the Doctors are available to the patients that visit the government hospitals. The applicant was selected way back in November 2014. Since he was undergoing the Diploma course in Paediatrics, the respondents acceded to his request to permit him to join on completion of the course. The applicant did complete the course in June 2016 and addressed a letter seeking permission to join. In all fairness to the applicant, the respondents virtually relaxed all the Rules and requested him to join within forty five days, through communication dated 04.01.2017. The applicant, however, was not prepared to join and he wanted extension of time, by two more years.

6. For all practical purposes, the applicant took the respondents for granted and he kept his personal profile and building of career, above the public service. It should not be forgotten that there were many others, who were also qualified and had the applicant been not inclined to join, another qualified Doctor would have been appointed. Services of such candidate would have been available from the year 2014 onwards. The

applicant kept the entire issue on hold for almost four years and now comes forward to find fault with the respondents.

7. We do not find any merit in this O.A. It is accordingly dismissed. There shall be no order as to costs.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

February 7, 2019
/sunil/