

**Central Administrative Tribunal
Principal Bench**

OA No.4679/2018

New Delhi, this the 22nd day of January, 2019

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

1. Dr. Pankaj Bhardwaj,
Junior Resident (BDS),
Aged 28 Years, Group – A,
S/o Sghri Vidyanand Bhardwaj,
R/o RZ P-7,
New Roshan Pura, Najafgarh, New Delhi – 43.
2. Dr. Poonam Devi, JR (BDS),
Aged 26 Years, Group – A,
D/o Shri Sambhu Nath Yadav,
R/o 639, UT 2 Sector 3, Talwar Township,
Punjab – 144216.
3. Dr. Anamica Singh, JR (BDS),
aged 25 Years, Group – A,
S/o Shri Dvender Singh,
R/o E – 18/126, Sector 3, Rohini, Delhi – 85.
4. Dr. Preeti Swangla, JR (BDS),
aged 26 Years, Group – A,
D/o Shri Shiv Chand,
R/o Ward No. 176/4,
Math Colony Upper Sultanpur Kullu,
Himachal Pradesh – 175101.
5. Dr. Sachin Surela, JR (BDS),
aged 26 years, Group – A,
S/o Shri Sheesh Ram Surela,
R/o Village – Khidarpur, Post – Gotoli, The – Tijara,
Distt. Alwar, Rajasthan.
6. Dr. Sunny, JR (BDS), aged 26 Years, Group- A
S/o Shri Baldev Singh
R/o 25, Shiv Puri, Beside Rajan Hospital,
Near ITI, Yamuna Nagar, Haryana.
7. Dr. Mohit Kaushik, JR (BDS),
Aged 24 years, Group – A,
S/o Mange Ram Kaushik,
R/o V&PO Pehladpur Banger, Delhi – 42.

8. Dr. Komal Sharma, JR (BDS),
Aged 26 Years, Group – A,
S/o Shri Mahesh Didwania,
R/o Mahesh Didwania White Clock Tower,
Main Market, Churu,
Rajasthan – 331001. Applicants

(By Advocate : Shri S. C. Sharma)

Versus

1. Union of India through Secretary (Health & FW),
Ministry of Health & Family Welfare, Govt. of India,
Nirman Bhawan, New Delhi – 110011.
2. Director General of Health Services,
Ministry of Health & Family Welfare, Govt. of India,
Nirman Bhawan, New Delhi – 110011.
3. The Medical Superintendent,
Safdarjung Hospital & VMMC,
New Delhi. ... Respondents.

(By Advocate : Shri Piyush Gaur)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicants are Dental Doctors. Safdarjung Hospital, respondent No.3 herein, issued Circular dated 26.05.2018 inviting applications for the post of Junior Residents (Non-PG), MBBS & BDS. The applicants responded to the circular and were issued offers of appointment for a period of six months. The applicants accepted the offer and have also submitted joining report in July, 2018. The term of the appointment was mentioned as six months.

2. The applicants got issued a legal notice dated 30.11.2018 stating that according to the circular dated 24.04.2018 issued by the Government of NCT of Delhi, Health & Family Welfare Department, junior resident ship shall be for a period of one year, in place of six months mentioned in the offer of appointment, and accordingly required the respondents to continue the applicants as Junior Residents for a further period of six months beyond 31.12.2018. Since no reply has been received thereon, they filed this OA with a prayer to direct the respondents to continue them as Junior Resident for a period of one year.

3. The respondents filed a counter affidavit opposing the OA. It is stated that in the Notification dated 26.05.2018, it was clearly mentioned that the duration for Junior Resident (Non-PG) Dental Surgery and Maxillofacial Surgery is six months, i.e., 01.07.2018 to 31.12.2018, and there is absolutely no basis for claim of the applicants. It is stated that in every notification that was issued from time to time, for the last several years, the duration of residency for Dental Doctors was mentioned as six months, and that the plea of the applicants that it should be extended to one year is totally untenable. It is also stated that duration of residency of one year is for MBBS Doctors and not for Dental Doctors.

4. We heard Shri S. C. Sharma, learned counsel for the applicant and Shri Piyush Gaur, learned counsel for the respondents.

5. The applicants do not dispute that duration of residency period mentioned in the notification dated 26.05.2018 is six months. The relevant portion reads as under:-

“Duration of Residency:- Six Months w.e.f. 01.07.2018 to 31.12.2018.”

In respect of MBBS Doctors, the relevant clause reads as under:-

“Duration of Residency:- One year w.e.f. 1.07.2018 to 30.06.2019 in two subjects for six Months each.”

6. In the offer of appointment as well as consequential orders, period of six months was mentioned. Safdarjung Hospital is under the control and administration of Government of India. The applicants placed reliance upon an order dated 24.04.2018 issued by the Government of NCT of Delhi. At the most that order would be applicable to the hospitals under the administration of government of NCT of Delhi.

7. The respondents filed a bunch of notifications issued for the purpose of appointment of resident doctors wherein the period of residency for Dental Doctors is mentioned as

six months. Notwithstanding the stipulation in the said notification, if the applicants are able to place before us any guidelines issued by the Dental Council of India or Medical Council of India wherein the residency for Dental Doctors is stipulated as one year, we would have certainly accepted their contention. They are not able to place any such material before us.

8. Reliance is placed upon an order dated 13.05.2016 passed by this Tribunal in OA No.421/2016. That was a case in which the appointment as resident Doctor was to the hospitals administered by the Government of NCT of Delhi. In the instant case, the hospitals are under the administration of Government of India.

9. We do not find any merit in the OA. It is accordingly dismissed. It is needless to mention that the interim order passed in the OA shall stand vacated.

10. MA Nos.299/2019 and 5334/2018 stand disposed of. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/