

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

**O.A. No.1458/2014**

Thursday, this the 17<sup>th</sup> day of October 2019

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

Ms. Akta Gulati  
Aged about 34 years  
(Staff Nurse)  
w/o Shri Chander Gulati  
w/o House No.535,  
Dr. Mukherji Nagar, Delhi

..Applicant  
(Mr. Jatin Prasher, Advocate for Mr. Ajesh Luthra, Advocate)

**Versus**

1. Govt. of National Capital Territory of Delhi  
Through Chief Secretary  
New Secretariat, Players Building  
ITO, New Delhi.
2. The Principal Secretary  
Health & Family Welfare Department  
GNCT of Delhi  
9<sup>th</sup> Level, A Wing  
Delhi Secretariat, New Delhi
3. Special Secretary  
(Paramedical)  
Health & Family Welfare Department  
GNCT of Delhi  
9<sup>th</sup> Level, A Wing  
Delhi Secretariat, New Delhi
4. Medical Superintendent  
Attar Sain Jain Eye & General Hospital  
Lawrence Road, Delhi – 110 035

..Respondents  
(Mr. Amit Yadav and Mr. Intihab Alam, Advocates for Mr. Amit Sharma, Advocate)

**O R D E R (ORAL)****Justice L. Narasimha Reddy:**

The applicant was appointed as a Staff Nurse by the Attar Sain Jain Eye & General Hospital, New Delhi, the 4<sup>th</sup> respondent herein, in the year 2005, on contractual basis. It was subject to the condition that in case a regular appointment is made, the contractual appointment shall cease.

2. Through an order dated 16.05.2011, the 4<sup>th</sup> respondent terminated the contractual engagement of the applicant by stating that the regular incumbent, by name Mrs. Anita, Staff Nurse, was transferred to that hospital. This O.A. is filed challenging the said order.
3. The applicant contends that she was entitled to be regularized in service on account of length of service, and that there was no justification for the respondents in terminating her services. Prayer is made for reinstatement of the applicant.
4. The respondents filed a counter affidavit opposing the O.A. It is stated that the very engagement of the applicant was with a condition that on regular appointment being made, the contractual appointment will cease, and once a regular employee is posted, there is no alternative, except to terminate this contract.

5. We heard Mr. Jatin Prashar for Mr. Ajesh Luthra, learned counsel for applicant and Mr. Amit Yadav for Mr. Amit Sharma, learned counsel for respondents, at length.

6. The applicant did not file the order of appointment. However, it is not in dispute that the appointment was on contractual basis. It is clear that any contractual appointment shall be operative till time stipulated therein. or till a regular incumbent joins. In the impugned order, it is stated that a regular Staff Nurse was transferred to that hospital. The engagement of the applicant as Staff Nurse, on contractual basis, was terminated. The applicant is not able to point out any illegality or violation of terms of appointment. Added to that, the applicant is out of service since the year 2011. No relief can be granted, at this length of time.

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

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**October 17, 2019**  
/sunil/