

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

**O.A No. 1012/2014**

New Delhi, this the 10<sup>th</sup> day of July, 2019

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

Dr. Rita Jain  
W/o. Dr. Deepak Chowdhari  
R/o. House No. 22, Pocket-IV A  
Sector-23, Rohini,  
Delhi-110 085. ....Applicant

(By Advocate : Mr. S. Sunil for Mr. Chittranjan Hati)

Versus

1. Govt. of NCT of Delhi  
Through The Chief Secretary,  
Delhi Sachivalaya,  
New Delhi.
2. Principal Secretary (H&FW)  
Dept. of Health and Family Welfare,  
GNCTD, Delhi Sachivalaya  
New Delhi. ....Respondents
3. Union Public Service Commission  
Through its Chairperson  
Dholpur House, Shahjhan Road,  
New Delhi.

(By Advocate : Mr. Amit Anand for respondents no. 1 and 2  
and Mr. R. V. Sinha with Mr. Amit Sinha for respondent no.  
3)

**O R D E R (O R A L)**

**Justice L. Narasimha Reddy, Chairman :**

The applicant joined the medical department of State of Haryana. She was on deputation to the GNCTD from 16.12.2006 till 24.12.2013. Rule-8 of the Delhi Health

Services (Allopathy) Rules, 2009, provided for absorption of the employees working on deputation but, with consultation with the UPSC. It appears that, in case of the applicant, the UPSC did not make a favourable recommendation. This OA is filed with a prayer to set aside the proviso to Rule 8(1) and to ignore the advice tendered by the UPSC. Ancillary reliefs are also prayed for.

2. The Government of NCTD on the one hand and the UPSC on the other had filed separate counter affidavits. It is stated that the plea raised by the applicant is totally untenable and that the provision challenged in this O.A is perfectly invalid. It is also stated that the applicant does not have any vested right to get absorbed in the service of the GNCTD.

3. We heard Mr. S. Sunil for Mr. Chittranjan Hati, learned counsel for applicant, Mr. Amit Anand, learned counsel for respondents no. 1 and 2 and Mr. R. V. Sinha with Mr. Amit Sinha, learned counsel for respondent no. 3.

4. The applicant, no doubt, was making efforts not only to get her deputation continued but also to get absorbed in the service of the GNCTD. The fact, however, remains that her deputation came to an end and during the pendency of the O.A, she retired from service from

her parent department. We do not find any illegality or infirmity in the proviso to Rule 8 (1) which stipulates that the absorption of an employee under deputation shall be in consultation with the UPSC. The said proviso was upheld by this Tribunal through order dated 02.07.2014 in OA No. 3145/2013 and batch. We do not find any merit in this O.A

5. Across the Bar, it is stated that even after repatriation of the applicant, the GNCTD availed her services till the month of March, 2014, by issuing proceedings through which work was assigned to her.

6. If, in fact, the services of the applicant were availed by the GNCTD, and the applicant has not drawn salary in her parent department, it shall be open to her to make a representation in this behalf. The competent authority in GNCTD, in turn, may pass appropriate orders after verification of the relevant records, within a period of 3 months from the date of receipt of certified copy of this order.

7. The O.A is dismissed with the above observation. There shall be no order as to costs.

(Mohd. Jamshed)  
Member (A)

(Justice L. Narasimha Reddy)  
Chairman

/Mbt/