

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

O.A. No.4442/2014

Thursday, this the 25<sup>th</sup> day of July 2019

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

Dr. Kumud Bharti  
w/o Shri Mukesh Kumar  
age 41 years  
Designation Medical Officer  
Aruna Asaf Ali Govt. Hospital, Delhi  
r/o Flat No.24, Floor 2<sup>nd</sup>, Type IV  
Delhi Govt Officers' Flats  
Near Old Transport Authority  
33 Rajpur Road, Civil Lines  
Delhi – 110 054

..Applicant

(Mr. Mukesh Kumar, Advocate)

Versus

1. Govt. of NCT of Delhi (GNCTD)  
Through its Secretary  
Department of Health and Family Welfare  
9<sup>th</sup> Level, A Wing, Delhi Secretariat,  
IP Estate, New Delhi – 110 002
2. Directorate of Health Services  
Through its Director  
Govt. of NCT of Delhi, F-17 Karkardooma  
Delhi – 110 032
3. Union Public Service Commission (UPSC)  
Through its Secretary  
Dholpur House, Shahjahan Road  
New Delhi – 110 069
4. Aruna Asaf Ali Govt. Hospital (AAAGH)  
Through its Medical Superintendent  
5, Rajpur Road, Civil Lines  
Delhi – 110 054

..Respondents

(Ms. Esha Majumdar, Advocate for respondent Nos. 1, 2 & 4,  
Mr. Naresh Kaushik, Advocate for respondent No.3)

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

The applicant, along with many others, was appointed as Medical Officer by the Delhi Government in 2002, on contractual basis and continued beyond the initial period. The Delhi Government constituted the Delhi Health Service (Allopathy) by framing the Rules in the year 2009. The Notification in this behalf was issued on 23.12.2009.

2. The appointment to the post of General Duty Medical Officer (GDMO) under the Rules were required to be made on the basis of selection by the Union Public Service Commission (UPSC), the 3<sup>rd</sup> respondent herein. By the time the Rules came into force, more than 500 Medical Officers were working on contractual basis. As a sequel to policy decision, the Delhi Government subjected all the Medical Officers for selection to UPSC, and on the basis of the selection made by it, a Notification dated 20.08.2014 was issued, appointing 528 doctors as GDMO, w.e.f. 23.12.2009. The applicant is one of them.

This O.A. is filed with a prayer to set aside or modify the order dated 20.08.2014 to the extent it has denied the benefits of seniority, promotion and pension from the date of initial appointment. Prayer is also made for extension of consequential benefits.

3. The applicant contends that when she was appointed in the year 2000, she was subjected to selection process and thereby she is entitled to be extended the benefit of seniority from the date of initial appointment, whereas the impugned order has restricted such benefit only from the date, the Rules were published.

4. The respondent No.3 (UPSC) has filed counter affidavit opposing the O.A. It is stated that when the Service was itself constituted in the year 2009, the question of extending the benefit earlier to that, does not arise.

5. We heard Mr. Mukesh Kumar, learned counsel for applicant, Ms. Esha Majumdar, learned counsel for respondent Nos. 1, 2 & 4 and Mr. Naresh Kaushik, learned counsel for respondent No.3. Learned counsel for applicant has also filed extensive written arguments.

6. The necessity for us to deal with the question in detail is obviated on account of an earlier adjudication. O.A. Nos.604/2014 and 238/2015 were filed by Dr. Yoginder Gupta and 29 others, who too were appointed on contractual basis and were regularized through the very order dated 20.08.2014, w.e.f. 23.12.2009. They claimed similar reliefs as in this O.A. After undertaking extensive discussion, a Division Bench of this Tribunal dismissed the O.As. through judgment dated 23.05.2017. Reliance was placed upon the order passed by the

Hon'ble Supreme Court in **State of Uttarakhand v. Archana Shukla & others** (2011) 15 SCC 194. The applicant herein is, in no way, different from the applicants in O.A. Nos.604/2014 & 238/2015.

7. Though the learned counsel for applicant made an attempt to distinguish the present O.A. from the judgment in O.A. Nos.604/2014 & 238/2015., we do not find any basis for the same.

8. The O.A. is, therefore, dismissed following the judgment in O.A. Nos.604/2014 & 238/2015.

There shall be no order as to costs.

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

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

**July 25, 2019**  
/sunil/