

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00299/2016

Date of Order: 23.07.2019

C O R A M

HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Geeta Kumari, W/o Shri Ajay Kumar Prasad, resident of Mohalla- Mirchaibari, PO & PS- -Mirchaibari, District- Katihar.

.... **Applicant.**

By Advocate: - Mr. J.K. Karn

-Versus-

1. The Union of India through the Secretary, Ministry of Health & Family Welfare, Nirman Bhawan, Govt. of India, New Delhi.
2. The Director General Health Services, Department of Health & Family Welfare, Government of India, New Delhi.
3. The Director, Directorate of National Vector Borne Disease Control Programme (NVBDCP), Ministry of Health & Family Welfare, DMRC Building, Block-III, Ground Floor, I.T., Park, Shashtri park, Delhi- 1100053.
4. The Additional Director, Government of India, National Vector Borne Disease Control Programme (NVBDCP), Ministry of Health & Family Welfare, DMRC Building, Block-III, Ground Floor, I.T., Park, Shashtri park, Delhi- 1100053.
5. The Senior Regional Director, Regional office for Health & Family Welfare, Government of India, Indira Bhawan, 5th Floor, Bailey Road, Patna- 1.

.... **Respondents.**

By Advocate: - Mr. Radhika Raman

O R D E R
[ORAL]

Per Dinesh Sharma, A.M:- The case of the applicant is that she was engaged as a Consultant (Vector control) under World Bank supported National Vector Borne Disease Control Programme (NVBDCP in short) by the respondents in the year 2009 on yearly contract basis. This contract was

renewed every year till the year 2015. However, it is not being renewed since then despite repeated recommendatory letters issued by the Additional Director, Govt. of India, Dte. of National Vector Borne Disease Control Programme, Ministry of Health & Family Welfare, New Delhi to the Senior Regional Director, Regional Office for Health & FW, Govt. of India, Patna. This, according to her, is wrong since other similarly situated persons had got their contracts renewed.

2. The respondents have filed a written statement in which they have denied the claim of the applicant. They have accepted the fact that she had been taken on contract which was renewed every year till 30.06.2015. They have also accepted that it has not been renewed since then despite letters from the Additional Director, Ministry of H & FW, New Delhi. They have also alleged that following such recommendations of the Additional Director, Mrs. Geeta Kumari was issued an order to join as consultant in the office of the State Programme Officer, NVBDCP, Jharkhand at Ranchi. However, she did not join. She was also asked to submit a report of her work for the previous period of contractual appointment but she has not submitted the same. These are the reasons for not renewing her contractual appointment. All her dues have already been paid.

3. No rejoinder has been filed by the applicant.

4. We have gone through the pleadings and heard the learned counsels of both the parties. This is a case of contractual appointment and the applicant cannot have her contract renewed as a matter of right. It is apparent that despite favourable recommendation and clear direction from

the Head Office, the Field Officer controlling the Unit where the applicant's services could be utilized, has refused to engage her. The reasons cited are her unwillingness to work at Ranchi and not providing details of her earlier work. These are relevant factors and the applicant has not denied these by filing any rejoinder. In such situation, we cannot force the respondent to engage the applicant on a contract basis. We also noticed an arbitration clause (clause-16) for settlement of disputes relating to the contract which she could have used, but has apparently not done. The OA is, therefore, dismissed. No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member