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**Central Administrative Tribunal, Principal Bench**

**Original Application No. 959 of 2003**

New Delhi, this the 20th day of October, 2003

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. S.A. Singh, Member (A)**

Shri Anmol Singh,  
S/o Shri Sukhbir Singh,  
House No. A-14,  
Village Nathupura,  
Near Burari,  
Delhi-84

.... Applicant

(By Advocate: Shri Ashwani Bhardwaj)

Versus

1. Govt. of NCT of Delhi  
through Directorate of Health Services,  
E-Block, Connaught Place,  
Saraswati Bhawan,  
New Delhi
2. Medical Superintendent,  
Babu Jagjeevan Ram Memorial Hospital,  
Jahangir Puri,  
Delhi

.... Respondents

(By Advocate: Shri Saurabh Ahuja, proxy for Shri Ajesh Luthra)

**O R D E R (ORAL)**

**By Justice V.S. Aggarwal, Chairman**

The applicant Anmol Singh is working as ECG Technician in Babu Jagjeevan Ram Memorial Hospital, Jahangir Puri. Admittedly the said Hospital is a Government run hospital. By virtue of the present application, the applicant seeks a direction that respondents should not terminate his services without regular appointment to the post of ECG Technician and secondly to regularise his services because he has completed two years of service.

2. To appreciate the controversy, we can delineate some of the other facts. In pursuance of the advertisement

*(Signature)*

to take certain ECG Technicians on contract basis for 89 days, the applicant had applied and had been so recruited. On 31.3.2001, the order of appointment had been issued. The operative part of the same reads:

"Shri Anmol Singh s/o Shri Sukhbir Singh is hereby offered a post of ECG Tech. in the pay scale of 4,000-6,000 on purely contract basis for a period of 89 days or till regular join, whichever is earlier. This may be extendable further for a period not exceeding one year subject to satisfactory work and conduct report on till regular candidate joins, whichever is earlier.

The appointment to the post is subject to medical fitness by the board of this hospital.

He will have to furnish his bio data alongwith the joining report.

In case he intends to resign before the completion of 89 days tenure he will have to give an advance notice of 7 days failing which amount equivalent to 7 days salary is liable to be recovered from him."

3. The applicant had joined and is working on the said post for almost two years. His term of appointment has been extended in this regard from time to time. Certain posts were advertised to be filled up by the National Capital Territory of Delhi and this probably gave provocation to the applicant to file the present petition contending that he has been working for two years and, therefore, he should be regularised.

4. In the reply filed, the petition has been contested. The respondents contend that vacancies for ECG Technicians have been ~~set~~ <sup>not filled up</sup>. They will be advertised and the applicant can apply for appointment at that time. However, the respondents plead that applicant is working purely on contract basis and his services would be

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continued till the regular incumbents join.

5. The sequence of events clearly show that the applicant had been selected in pursuance of an advertisement which indicate that it was on contract basis for 89 days. Obviously it was not a regular appointment in accordance with the recruitment rules.

6. The position in law is well settled that no person can regularly be appointed *de hors* the rules. In such a situation, part of the relief seeking regular appointment merely on the ground that applicant has continued to work for nearly two years, necessarily cannot be granted.

7. However when the applicant has been working for almost two years and even the respondents admit that till such time the regular appointees join his services shall not be terminated, to that extent relief can always be granted. Accordingly, we dispose of the present application with the following order:

(a) till such time the regular appointments are not made, the services of the applicant shall not be discontinued;

(b) the applicant is not entitled to regularisation *de hors* the recruitment rules;  
and

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(c) if and when the regular appointment is made,  
the applicant can also apply to be considered  
for the said post.

*S. A. Singh*

( S.A. Singh )  
Member (A)

*V.S. Aggarwal*

( V.S. Aggarwal )  
Chairman

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