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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1264/2003

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

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri Govindan S. Tampi, Member(A)

Dr. Ajay Kumar Sachdev  
S/o Shri P.K. Sachdev  
R/O 8/6, West Patel Nagar  
New Delhi-110008 .. Applicant  
(Service to be effected through  
Shri Satya Mitra Garg, 113-C, DDA  
Flats, Motia Khan, Jhandewalan  
New Delhi-110055)

(By Shri S.M. Garg, Advocate)

versus

1. Union of India, through its  
Secretary  
Ministry of Health & Family Welfare  
Nirman Bhavan, New Delhi
2. Govt. of NCT of Delhi, through its  
Secretary  
Department of Health & Family Welfare  
5, Sham Nath Marg, Delhi
3. Director  
GB Pant Hospital, New Delhi .. Respondents

ORDER(oral)

Justice V.S. Aggarwal

Applicant is an Associate Professor in the Govind Ballabh Pant Hospital. By virtue of the present application, he seeks the following reliefs:-

- "(b) pass appropriate order or direction, directing the respondents not to continue the General Surgeons in the Super Specialty Department of G.I. Surgery in G.B. Pant Hospital or continue to have two cadre systems in super specialty of G.I. Surgery;
- (c) pass an order directing the Respondent Nos.1 & 2 to fill up the various general posts in the Department of G.I. Surgery in G.B. Pant Hospital only by appointing qualified G.I. Surgeons against the two posts of General Surgeons/Teaching staff in the said department."

V.S. Aggarwal

2. At the threshold, we had put to the learned counsel for the applicant as to how the present application with reliefs claimed would be maintainable. After hearing the learned counsel for the applicant, we are of the considered opinion that the application is not maintainable vis-a-vis the reliefs claimed.

3. In the first instance, the claim is that a direction should be issued to the respondents not to continue the General Surgeons in the Super Specialty Department of G.I. Surgery in Govind Ballabh Pant Hospital or continue to have two cadre systems in Super Speciality of G.I. Surgery.

4. Admittedly, the System is continuing and it is an administrative action or decision to continue or not to do so. It is not a public interest litigation and, therefore, unless a corresponding relief is claimed by the applicant, it would be improper for this Tribunal to entertain the application. In fact, inter se between the party in Civil Writ Petition No.2902 of 2001 decided on 30.7.2002, the Delhi High Court on this proposition held:

"The jurisdiction of the Tribunal is confined to Section 14 of the Administrative Tribunals Act. The Tribunal although has been created in terms of the Article 323A of the Constitution of India, its jurisdiction is limited. It must act within the four corners of the Statute. It, therefore, cannot go beyond the same and assume the jurisdiction of entertaining a lis in the nature of public interest, which is not contemplated under the Administrative Tribunals Act."

Therefore, the first relief as claimed cannot be granted.

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5. Secondly, it has been claimed that a direction should be issued to fill up the various general posts in the Department of G.I. Surgery in Govind Ballabh Pant Hospital only by appointing qualified G.I. Surgeons against the two posts of General Surgeons/Teaching staff in the said department.

6. So far as this particular relief is concerned, action pre-empting anything at this stage is not called for. No appointment as yet has been made. It would be pre-mature, therefore, to issue any such direction. The applicant may, if so advised, at the proper stage take up the issue.

7. Keeping in view the aforesaid, we are not expressing ourselves on the other issues raised by the applicant.

8. Resultantly, the application fails and is dismissed in limine.

(Govindan S. Tampi)  
Member (A)

/s/s/

(V.S. Aggarwal)  
Chairman