

Central Administrative Tribunal, Principal Bench

O.A.No.1719/2003
M.A.No.1464/2003

New Delhi, this the 10th day of July, 2003.

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.K. Naik, Member(A)

1. Dr. Pankaj Kumar Singh
S/o Shri R.N.Singh
Medical Officer,
Govt of NCT of Delhi

R/o C-21/A Acharya Niketan,
Mayur Vihar, Phase-I
Delhi - 91
2. Dr. Sonal Sharma
W/o Dr. Pawan Sharma
Medical Officer,
Govt of NCT of Delhi

R/o D-85, Patel Nagar
Ghaziabad.
3. Dr. Praveen Kumar
S/o Shri Pratap Singh
Medical Officer,
Govt of NCT of Delhi

R/o D-51, Sector-55,
Noida - 201 301
4. Dr. Praveen Pratap Singh
S/o Shri Ramesh Chand
Medical Officer,
Govt of NCT of Delhi

R/o 9/3461, Gali No. 3
Gyan Nagar,
Dharampura, Gandhi Nagar,
Delhi - 31
5. Dr. Nameeta Khattar
D/o B.B.Khattar
Medical Officer,
Govt of NCT of Delhi

R/o 1/13, Geeta Colony,
Delhi.

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6. Dr. Rakhi Mittal
W/o Dr. Rajiv Goel
Medical Officer
Govt of NCT of Delhi

R/o H-181, Vikaspuri,
New Delhi - 110 018

7. Dr. Leena Raut
W/o Dr. Manoj Kumar
Medical Officer,
Govt of NCT of Delhi

R/o Street No.9, E.S.I. Dispensary, Campus,
Tagore Garden, Extn.
New Delhi - 27

8. Dr. Monika Relan
D/o Mr. S.K. Relan
Medical Officer,
Govt of NCT of Delhi

R/o 7/37, Tilak Nagar,
New Delhi - 18

9. Dr. Manjaree Nath
D/o Mr. Mrityunjay Nath,
Medical Officer,
Govt of NCT of Delhi

R/o C/o Mr. K.C. Dudeja,
IIInd Floor,
1/6, Old Rajinder Nagar,
New Delhi - 60

10. Dr. Swarn Singh
S/o S. Jangir Singh
Medical Officer,
Govt of NCT of Delhi

R/o 22/16-B, Tilak Nagar,
New Delhi - 18

11. Dr. Rahul Gautam
S/o Mr. Nanak Chand
Medical Officer,
Govt of NCT of Delhi

R/o H No.2, Vill. Munirka,
Near Gurdwara,
New Delhi - 67.

12. Dr. Dipti Sachan
D/o Mr. G.S.Sachan
Medical Officer,
Govt of NCT of Delhi

R/o C-57, Y-2,
Dilshad Garden,
Delhi - 95

13. Dr. Vandana Gupta
W/o Dr. Subodh Goel
Medical Officer,
Govt of NCT of Delhi

R/o A-7, West Jyoti Nagar,
Shahdara,
Delhi - 93

14. Dr. Vishal Khanna
S/o Mr. Sudesh Khanna,
Medical Officer,
Govt of NCT of Delhi

R/o Flat No.48, Pocket-C,
Sarita Vihar,
New Delhi - 44

15. Dr. Deepa Dua
D/o Mr. R.S.Dua
Medical Officer,
Govt of NCT of Delhi

R/o Flat No.48, Pocker-C
Sarita Vihar,
New Delhi - 44

16. Dr. Rahul Handa
S/o Mr. S.K.Handa,
Medical Officer,
Govt of NCT of Delhi

R/o Flat No.C-24,
D.D.A.Flats (MIG)
Saket,
New Delhi - 17

17. Dr. Sonika Arora Bali
W/o Dr. Amit Bali
Medical Officer,
Govt of NCT of Delhi

R/o A-276, Double Storey,
Kalkaji,
New Delhi - 19

18. Dr. Nitu Singh
D/o Bhupendra Narayan Singh
Medical Officer,
Govt of NCT of Delhi

R/o K.4, DDA Flats,
Bhim Nagari,
Safdarjung Development Area,
New Delhi.
19. Dr. Jyoti Prasad
S/o Mr. Chandra Kanta Klita
Medical Officer,
Govt of NCT of Delhi

R/o Room No.409, Old Resident
Doctors Hostel,
LNJPH,
New Delhi - 2
20. Dr. Mamta Gupta
W/o Mr. Lenin Gupta
Medical Officer,
Govt of NCT of Delhi

R/o A-1/102, Safdarjung Enclave,
New Delhi - 29
21. Dr. Archana
D/o Sh.K.S.Meena
W/o Dr.Sandeep Singh
Medical Officer,
Govt of NCT OF Delhi

R/o M-11, Andrews Ganj Extn.
New Delhi - 49
22. Dr. Virender Kumar
S/o Mr. Khushi Ram
Medical Officer,
Govt of NCT of Delhi

R/o B-2/172, Paschim Vihar,
New Delhi - 63
23. Dr. Sanjay Sagar,
S/o Dr.P.L.Sagar
Medical Officer,
Govt of NCT of Delhi

R/o 1/4316, Ram Nagar Ext.
Shahdra,
Delhi - 32

24. Dr. Amit Kumar
S/o Mr. J.P. Sinha
Medical Officer,
Govt of NCT of Delhi

R/o C/o Mukesh Kumar,
A-67, Christian Colony,
Near Patel Chest,
Delhi.

25. Dr. Kamal Singh
S/o Sh.Jawahar Singh
Medical Officer,
Govt of NCT of Delhi

R/o H No.1/2019A, Modern Shahdra,
Ram Nagar, St.No.24,
Shahdra,
Delhi - 32

26. Dr. Surendra Kumar
S/o Mr. Rajpal Singh
Medical Officer,
Govt of NCT of Delhi

R/o Hari Chand Mela,
Ram Farm,
Mandoli Village,
Delhi - 93

27. Dr. Bharat Bhushan Bhartiya
S/o Mr. Arjun Pal Singh
Medical Officer,
Govt of NCT of Delhi

R/o BH-407, Shalimar Bagh East,
Delhi.

28. Dr. Meenakshi Bose,
W/o Mr. K.R. Bose,
Medical Officer,
Govt of NCT of Delhi

R/o C-11/106, Rohini,
Delhi - 85

29. Dr. MD. Imteya zul Haque
S/o MD Serajul Haque
Medical Officer,
Govt of NCT of Delhi

R/o K-304, Taj Enclave,
Geeta Colony,
Delhi - 31

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30. Dr. Shashilata Kabra
W/o Dr. Krishan Autar
Medical Officer,
Govt of NCT of Delhi

R/o FA-353, Mansrover Garden,
New Delhi - 15

31. Dr. Uday Kumar Singh
S/o Mr. Balram Singh
Medical Officer,
Govt of NCT of Delhi

R/o Q.No.67, Pocket-D5,
Sector-15,
Rohini,
Delhi - 85

32. Dr. Anubha Parakh
W/o Dr. Ujjawal Parakh
Medical Officer,
Govt of NCT of Delhi

R/o D-14, Rana Pratap Bagh,
Delhi - 7

33. Dr. Rajendra Kumar
S/o late Shri Bal Ram Das
Medical Officer,
Govt of NCT of Delhi

R/o E-98, HIG,
Brij Vihar,
Radha Kunj,
Ghaziabad (U.P) -201 011

34. Dr. Pankaj Kumar
S/o Sh. Rabindra Prasad Singh
Medical Officer,
Govt of NCT of Delhi

R/o SMQ J.C.O.86,
Camp Area,
A.F.Palam, Delhi Cantt.
New Delhi - 10

35. Dr. Navin Massand
S/o Mr. D.K.Masand
Medical Officer,
Govt of NCT of Delhi

R/o C/o Dr.Pushpa Masand,
DDA-SFS Flat No.187,
Block-E, Sector-18, Rohini
Delhi - 85

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36. Dr. Someswar Bordoloi
S/o Sh.Joy Singh Bordoloi
Medical Officer,
Govt of NCT of Delhi

R/o Jaffarpur,
Qtr.Type-IV
No.8,
New Delhi - 73

37. Dr. Sitanta Das
S/o Dr.Sasanka Sekhar Das
Medical Officer,
Govt of NCT of Delhi

R/o 204,Jai Maa Apts.
Plot No.16,
Sector-5, Dwarka,
New Delhi - 45

38. Dr.Manideepa Goswami
D/o Mr.Tilakananda Goswami
Medical Officer,
Govt of NCT of Delhi

R/o F-18/16,Sector-8,
Rohini,
New Delhi - 85

39. Dr. Chetan Ray
S/o Shri M.C.Rai
Medical Officer,
Govt of NCT of Delhi

R/o 68, Delhi Admn. Flats,
Greater Kailash-I,
New Delhi - 48

40. Dr.Taras Hembram
S/o Dr.P.C.Hembram
Medical Officer,
Govt of NCT of Delhi

R/o Flat No.476,Dakshinayan Society Plot-19,
Sector-4, Dwarka,
New Delhi - 45

41. Dr. Lokesh Sharma
S/o Shri H.C.Sharma
Medical Officer,
Govt of NCT of Delhi

R/o B-158,Ramprastha,
Ghaziabad (U.P)

.....Applicants

(By Advocate: Shri K.N.R. Pillai)

Versus

Govt. of NCT of Delhi,
Through:
Principal Secretary (Health)
Dept. of Family Welfare,
Delhi Secretariat,
I.P. Estate,
New Delhi-110 002

.... Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

✓ M.A. 1464/2003

M.A. is allowed subject to just exceptions.
Filing of the joint application is permitted.

✓ O.A. 1719/2003

The applicants are all Doctors working in the National Capital Territory of Delhi in different hospitals. By virtue of the present application, they seek a direction that they should be continued in service till regular appointments are made to the posts, without any artificial breaks and should be granted the benefit of service conditions as ordered by this Tribunal in O.A.2108/99.

2. Some of the relevant facts are that the applicants were appointed on contract/ad-hoc basis for one year. One such representative order is Annexure A-1 pertaining to Dr. Pankaj Kumar Singh. The appointment has been made in the scale of Rs.8000-13500. The applicants apprehend that as soon as the one year period will come to

Ms Ag

an end, they may be given an artificial break and thereupon allowed to continue.

3. In support of his claim, the learned counsel for the applicants has drawn our attention towards decision rendered by the Full Bench of this Tribunal in the case of Dr. (Mrs.) Sangeeta Narang & ors. vs. Delhi Administration & ors., 1988 (6) ATC 405. The said decision of the Full Bench of this Tribunal has been upheld by the apex court. Learned counsel further relies upon the decision of the Delhi High Court in the case of Government of N.C.T. Delhi and anr. vs. Dr. V.S. Chauhan (C.W.P. No.3641/98) decided on 11.9.98 and of this Tribunal in O.A.2108/99 decided on 8.5.2000 entitled Dr. Aparna Sehgal & ors. vs. Government of N.C.T. Delhi & ors.

4. The ratio decidendi of these decisions is that if artificial breaks are given, the same must be taken to be arbitrary exercise of power and this Tribunal as well as Delhi High Court had interfered.

5. What is the position in the facts of the present case? As already pointed above and re-mentioned at the risk of repetition, it is obvious that the applicants had been appointed on contract/ad-hoc basis for a period of one year. As yet, no artificial break has been given. We are not even aware as to whether after the expiry of the contract period or after the period for which appointments had been made, as to what order the respondents would like

Ms Ag

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to pass. At this stage, the application must be taken to be premature. It must fail and is accordingly dismissed.

Naik
(S.K. Naik)
Member(A)

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Ag
(V.S. Aggarwal)
Chairman