

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1996/2003
MA NO. 1709/2003

This the 13th day of August, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

1. Ajmal Hussain
2. Kamlesh Kumar Sharma
3. Pradeep Kumar
4. Sunil Kumar
5. Anil Kumar

All C/o Ajmal Hussain
S/o Sardar Hussain Khan
R/o J-3/92, Kishan Kunj
Laxmi Nagar, Delhi-92.

...Applicants

(By Advocate: Sh. Jagdev Singh proxy for
Sh. Surat Singh)

Versus

1. Govt. of NCT of Delhi
through its Secretary (Health),
I.P.Estate, Delhi Secretariat,
Delhi.
2. Director of Health Services,
Govt. of NCT of Delhi,
F-17, Karkardooma, Delhi.
3. Medical Supdt.,
Lal Bahadur Shastri Hospital,
Khichripur, Delhi-91.

...Respondents.

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicants who have earlier worked as daily wage Nursing Orderlies have filed this OA seeking a relief to issue a Writ of Mandamus or any other Writ of the like nature directing the respondents to re-engage/appoint the applicants on the post of Nursing Orderly in view of the judgments dated 17.5.2001 and 24.5.2001 passed by this Hon'ble Tribunal, as more than 300 vacancies of Nursing Orderlies are lying vacant with the respondents which is evident from the advertisement dated 16.9.2002.

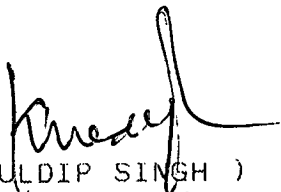


(9)

2. In view of the judgment dated 17.5.2001 was given in OA-1251/2001 wherein directions were given to the respondents to re-engage the applicants as Nursing Orderlies on daily wage basis in preference over their juniors, freshers and outsiders. The other judgment dated 24.5.2001 has been passed in OA-3296/2001 wherein also the directions were given to the respondents to consider the applicants for re-engagement on daily wages as Nursing Orderlies as and when vacancies are available as well as the work in preference to juniors and outsiders.

3. Now the respondents have come out with an advertisement for appointment of Nursing Orderlies on temporary vacant posts of Group 'D' staff in various Medical Institutions under the control of the respondents. These vacancies which have been advertised are not to be filled up on daily wages but against temporary post of Group 'D' staff in various medical institutions. The advertisement is also open to the applicants. They can also participate in the selection. They can also apply but in any event this advertisement is not meant for taking persons on daily wages. The decision of both these OAs does not give any right in favour of the applicant to be considered against these temporary vacancies. Had this advertisement meant for recruitment on daily wages basis then probably the applicants would have right for consideration.

4. I find that no case is made out. Applicants have an independent right to participate in the selection process. OA is disposed of.


(KULDIP SINGH)
Member (J)