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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9121/2015**

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Date of Judgment : 22.09.2015

GOVT. OF NCT OF DELHI & ANR

..... Petitioner

Through : Mr. Saurabh Chaddha, Advocate.

versus

DR. MANISH GUPTA & ORS

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

CM APPL. 20739/2015

1. Exemption allowed subject to just exceptions.
2. Application stands disposed of.

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3. By the present petitioner under Article 226 of the Constitution of India, the petitioner seeks a direction to quash the order dated 03.02.2015 passed by the Central Administrative Tribunal.
4. The respondents pursuant to an advertisement published by the petitioner in the years 2012-13 applied for the post of Senior Resident on ad-hoc basis. The advertisement was made keeping in view the emergent situation. The ad-hoc Senior Residents were offered the post for 89 days or till such date the regular appointments were made after following the due procedure. The respondents herein applied on

different dates. Respondent no. 1 was appointed on 13.09.2012, respondent no. 2 was appointed on 23.08.2013, respondent no. 3 was appointed on 26.08.2013 while respondent no. 4 was appointed on 27.01.2014. Subsequently, the petitioners herein issued an advertisement for appointments to the post of Senior Resident on regular basis on 23.12.2014. 121 candidates applied for the five posts. Meanwhile, fearing that the ad-hoc appointments made in favour of the respondents would be terminated, the respondents approached the Central Administrative Tribunal.

5. The Tribunal has allowed the OA and protected the appointments of the respondents primarily on the ground that the respondent no. 1 has completed 2 ½ years as on 03.02.2015, the respondent no. 2 & 3 have completed 1 ½ years while respondent no. 4 has completed 1 year. Even after the passing of the order, more than six months have passed. In effect, the respondent no. 1, we are informed, has completed his entire tenure. We find no reasons to interfere with the order passed by the Central Administrative Tribunal except that counsel for the petitioner submits that this court must clarify that the order would not be treated as a precedent. We have no hesitation in saying so. In view of the fact that one of the respondents has completed 3 years and other respondents have also spent considerable time on ad-hoc basis and in case they are not allowed to complete three years, the substantial time spent by them would go a waste, the petition stands disposed of in above terms.
6. It would be open for the petitioner to declare the result and fill the unfilled seats in accordance with law.

CM APPL. 20738/2015 (Stay)

7. In view of the order passed in the writ petition, the application is rendered infructuous.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 22, 2015

SC