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

+ W.P.(C) 4042/2019 & CM Nos.18240-42/2019

DR. POONAM DEVI Petitioner
Through : Mr. Mohit Agarwal, Adv.

versus

UNION OF INDIA AND ORS. Respondents
Through : Mr. Gaurav Varma, Adv.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
22.04.2019

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1. The petitioner seeks reliance on the judgment of this Court in *Dr.Sunny & Ors. vs. Union of India*, [W.P.(C) 1286/2019 and connected cases, decided on 08.03.2019]. The Court had referred to and relied upon the notification/policy of the Union of India dated 05.09.1992 that the residency period of non-PG BDS residents should be at least one year. The Court had then directed as follows:

“6. It is evident from the above that the respondents do not dispute that the residency period prescribed by the circular is at least for one year. In these circumstances, learned counsel for the respondents did not contest the position that in the absence of a contrary direction or amendment to the circular, the engagement could not have been limited to six months as was done in this case.

7. In the light of the above discussion, this court is of the opinion that the impugned order of the CAT requires to be

set aside. The respondents are hereby directed to extend the tenure of the petitioners who were selected pursuant to the circular issued for a period of six months. We notice that one of the petitioners (petitioner no.3 in W.P.(C) No.1286/2019 – Dr.Sachin Surela) was not appointed by selection but was rather engaged on ad-hoc basis. Therefore, this relief would not be permissible to him.

8. As a consequence, the respondents shall issue fresh orders in favour of the other petitioners for the remaining period of six months. Those petitioners shall be entitled to salary and all other consequential benefits from the date they report for duties. The orders shall be issued by the respondents within a week.”

2. Learned counsel appearing for the respondents, on advance notice, do not deny that the present petitioner falls within the same category as the petitioners in W.P.(C) 1286/2019 [*Dr.Sunny* (supra)] and other batch of cases.
3. Accordingly, the writ petition is allowed.
4. The respondents are directed to issue fresh orders in favour of the petitioner for the remaining six months’ period. The petitioner shall be entitled to the salary and all consequential benefits from the date she reports for duty.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

APRIL 22, 2019

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