
(1995) 04 SC CK 0044

In the Supreme Court Of India

Case No : Civil Appeal No. 4470 of 1995

Union of India (UOI) and Others

APPELLANT

Vs

Dr Devendra Vir Sahi

RESPONDENT

Date of Decision : 18-04-1995

Acts Referred:

Citation : (1995) 2 SCALE 739 : (1995) 2 SCC 463 Supp : (1995) 3 SCR 426

Hon'ble Judges : Sujata V. Manohar, J;J. S. Verma, J

Bench : Division Bench

Advocate : Kitty Kumaramangalam and V.K. Verma, for the Appellant; A.K. Sinha and K.K. Gupta, for the Respondent

Final Decision : allowed

Judgement

Sujata V. Manohar, J.—Leave granted.

2. The respondent was appointed in the North Eastern Railways as Assistant Medical Officer on an ad hoc basis on 20.7.1985. In the case of Dr A.K. Jain and Others Vs. Union of India (UOI) and Others, , this Court, by its judgment and order dated 24.9.1987, directed regularisation of the service of Assistant Medical Officers or Assistant Divisional Medical Officers appointed in the North Eastern Railways on an ad hoc basis upto 1.10.1984. This Court directed such regularisation on the basis of evaluation of their work and conduct as seen from their Confidential Reports. Such evaluation was directed to be done by the Union Public Service Commission. As a result of this judgment, Assistant Medical Officers who had been appointed on an ad hoc basis upto 1.10.1984 were regularised after examination of their service record by the Union Public Service Commission. The respondent herein was appointed on 20th of July, 1985. Hence he was not entitled to the benefit of the judgment of this Court in Dr. A.K. Jain's case (supra).

3. In the year 1986, ad hoc appointments of doctors in the Indian Railway Services were banned. The Railways, however, decided to give the benefit of

regularisation to Assistant Medical Officers who were appointed ad hoc after 1.10.1984 but before November 1986 provided they were found suitable by the Union Public Service Commission. For this purpose, it requested the Union Public Service Commission to hold a special selection and recommend persons found fit for regular appointments. Accordingly Union Public Service Commission screened and interviewed 119 doctors who had been appointed on an ad hoc basis during this period. The respondent was one of the doctors so screened and interviewed by the Union Public Service Commission, The Union Public Service Commission found 105 ad hoc doctors fit for regularisation. 14 doctors were found unfit. Accordingly, the services of these 14 doctors were terminated. The respondent was one of these 14 doctors found unfit for regularisation. Accordingly, the appellants by their order dated 9.4.1992 terminated the services of the respondent.

4. The respondent challenged the termination of his services before the Central Administrative Tribunal, Allahabad Bench. The Tribunal by its impugned judgment and order has held that the respondent should have been considered for regularisation only on the basis of his Confidential Reports as was done in the case of Assistant Medical Officers who were covered by the judgment of this Court in Dr. A.K. Jain's case (supra). The Tribunal further held that until the respondent's case was considered for regularisation on this basis, his services should not be terminated. The appellants have filed the present appeal challenging the order of the Tribunal.

5. The respondent was appointed after 1.10.1984 and hence he cannot get the benefit of the directions given in Dr. A.K. Jain's case (supra). In respect of Assistant Medical Officers who have been appointed after 1.10.1984, the appellants decided to regularise the services of those doctors who were considered suitable for regularisation by the Union Public Service Commission. The Union Public Service Commission took into account the service record of the Assistant Medical Officers and also interviewed them in order to decide their suitability for regularisation. We do not see any reason for finding fault with this process of regularisation.

6. In the case of Union of India (UOI) and Others Vs. Dr Gyan Prakash Singh, the respondent was appointed as Assistant Medical Officer on 1.10.1984. This Court held that he was not entitled to the benefit of the judgment in Dr. A.K. Jain's case (supra) as the judgment governed the cases of Assistant Medical Officers appointed before 1.10.1984. The respondent therein was also given a chance for regularisation along with other Assistant Medical Officers appointed on or after 1.10.1984 and before November 1986. He was one of the 14 Assistant Medical Officers not recommended for regularisation by the Union Public Service Commission in 1992. Like the respondent in the present case, his services were also terminated on 9.4.1992. This Court observed that the direction for manner of regularisation contained in the judgment in Dr. A.K. Jain's case (supra) was not meant to benefit any ad hoc appointee who was not working on the post of

Assistant Medical Officer on 1.10.1984. The Court further held that the respondent therein, not being so entitled, his claim for regularisation could have been based only on the ground available to an ad hoc appointee during the period between 1.10.1984 and November 1986. For regularisation, the respondent had to be found fit by the Union Public Service Commission. Since he was found unfit, he could have no grievance against the termination of his services in these circumstances.

7. The case of the respondent before us is similar to the case of the respondent in Dr. Gyan Prakash Singh's case (*supra*).

8. The appeal is, therefore, allowed and the order of the Central Administrative Tribunal, Allahabad Bench is set aside. In the circumstances, however, there will be no order as to costs.