

CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

CORAM

HON'BLE Mr JUSTICE RAMESHWAR VYAS, MEMBER (J)

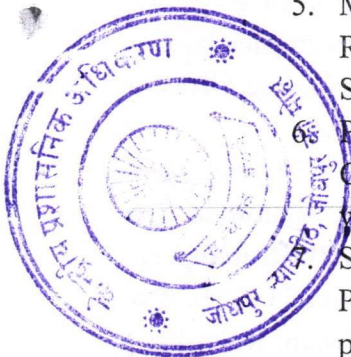
HON'BLE Dr HUKUM SINGH MEENA, MEMBER (A)

Date of Pronouncement: 05.10.2024

Reserved on : 25.08.2026

Original Application No. 290/00621/2024

1. Roney Thomas D/o Shri K.T. Thomas, aged about 38 years, R/o House No. 196, Lal Sagar, Chankya Nagar, Jodhpur, Rajasthan. (**Deleted vide order dated 25.08.2026 passed in MA No. 125/2026**).
2. Mohd Imran S/o Abdul Hakim, Aged about 41 years, R/o Mohalla Roshan Gunj, Sayed Colony, Ward No. 2, District Sikar, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
3. Geetanjali Bhati D/o Shambhu Singh Bhati, Aged about 40 years, R/o Tilak Marg, Boharwadi, Salumber, District Udaipur, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
4. Hariom Sharma S/o Gajanand Sharma, Aged about 41 years, R/o Murti Mohalla, Jhalra Kua Ke Pass, Gangapur City, District Sawai Madhopur, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
5. Mangal Pandey S/o Shri Bhagwati Prasad Pandey, Aged about 41 years, R/o Holi Chowk, Bhramपुरी, Udaipur, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
6. Praveen Mehta S/o Shri Tulsi Ram Mehta, Aged about 42 years, R/o Azad Chowk Goal, Tehsil Aspур, District Dungarpur, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
7. Sukhpal Sigh Shekhawat S/o Shisu Singh, Aged about 38 years, R/o Village Post Kariri, Via KhejRoli, Tehsil Shahapura, District Jaipur, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
8. Ashok Kumar Sharma S/o Shri Srawan Kumar Sharma, Aged about 42 years, R/o Village Post Talab, Tehsil Rajgarh, District Alwar, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).



9. Manju Choudhary D/o Shri Daya Ram Kulhara, Aged about 42 years, R/o VPO Ghadhala Kala, Tehsil Udaipur Vati, District Jhunjhunu, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
10. Mukesh Rathor S/o Shri Ram Swaroop Rathor, Aged about 41 years, R/o Dandotiya Colony, Tel Factory, Baran, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
11. Prem Prakash S/o Shri Bhaboot Ram, Aged about 38 years, Village Post Ramrawas Kalan, via Pipar Road, District Jodhpur, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
12. Ravi Prakash Tailor S/o Shri Ratan Lal Tailor, Aged about 41 years, Village Post Gagrana, Tehsil Merta City, District Nagaur, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
13. Om Prakash Bishnoi S/o Shri Asu Ram Bishnoi, Aged about 38 years, R/o Village Post Karwada, Tehsil Raniwara, District Jalore, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
14. Nayan Tara D/o Mohan Lal, Aged about 39 years, R/o Village Ranasar, Via Doomra, Tehsil Nawalgarh, District Jhunjhunu, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
15. Ranjeet Gochar S/o Jagdish Gochar, Aged about 36 years, R/o Village Post Radi, Tehsil K. Patan, District Bundi, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
16. Anil Kumar Mourya S/o Sh. Hari Ram Mourya, Aged about 37 years, R/o Village Post Hingonia, Jobner, Tehsil Renwal, District Jaipur, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
17. Anoop Kumar Mahawer S/o Shri Ram Singh Mahawer, Aged about 39 years, R/o P.No. 359, Tirupati Balaji Nagar, Opp. Airport Sanganer Jaipur, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
18. Ashok Kumar Saini S/o Shri Mangi Lal Saini, Aged about 37 years, R/o Village Gudha Sali, Tehsil Nawa City, District Nagaur, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
19. Devkiran Shrotiya S/o Shri Rameshwar Shrotiya, Aged about 35 years, R/o Village Post Shakkargarh, Tehsil Jahazpur, District Bhilwara, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur). Deleted vide order dated 25.08.2026 passed in MA No. 125/2026)



OA 290/00621/2024 ALONG WITH CONNECTED MATTERS

20. Divya Vyas D/o Shri Chandra Sekhar Vyas, Aged about 36 years, R/o Village Post Dholi-Wadi, Dheero Ka Vas, Goapura, Swamivivekanand Marg, Sojat City, District Pali, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
21. Devendra Kumar S/o Shri Shishu Pal Singh, Aged about 27 years, R/o House No. 2/232, Housing Board Colony, Bari Road, Dholpur, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
22. Himmat Singh Rajpurohit S/o Shri Bagad Singh, Aged about 28 years, R/o Village Post Mandla, Tehsil Sojat City, District Pali, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
23. Joseph Peter S/o Shri PM Peter, Aged about 27 years, R/o Puthenpurayil House, Maramon PO Maramon, District Pathanamthitta, Kerala. at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
24. Mahendra Kumar S/o Shri Prakash Ram, Aged about 28 years, R/o Village Post Asawari, Via-Gotan, District Nagaur, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
25. Manivannan R S/o Shri P Ramamoorthy, Aged about 37 years, R/o House No. 89/1, Thottakad House, Village Post R. Pattanam, Tehsil Rasipuram, District Namakkal, Tamilnadu. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
26. Sumit Sundesha S/o Shri Trivendra Kumar, Aged about 38 years, R/o Govt. Hospital Quarter, Opp. Jujani Bus Stand, Bhinmal, District Jalore, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).
27. Sunita Kumari D/o Shri Ram Lal Singh, Aged about 37 years, R/o Village Kangansar, District Sikar, Rajasthan. (at present working as Staff Nurse Grade II/ Nursing Officer, AIIMS Jodhpur).

.....Applicants

By Advocate :Mr Nikhil Dungawat.

VERSUS

1. Union of India, through the Secretary to the Ministry of Health and Family Welfare, Nirman Bhawan, Maulana Azad Road, (PMSSY Division) New Delhi. 110011
2. All India Institute of Medical Sciences (AIIMS) Jodhpur, through its Executive Director, situated at Basni Phase-2, Jodhpur 342005 Rajasthan.

3. Executive Director, All India Institute of Medical Sciences (AIIMS) Jodhpur, situated at Basni Phase-2, Jodhpur 342005 Rajasthan.
4. Deputy Director (Administration), All India Institute of Medical Sciences (AIIMS) Jodhpur, situated at Basni Phase-2, Jodhpur 342005 Rajasthan

.....Respondents

By Advocate : Mr. K.S.Yadav

Original Application No. 290/00622/2024

1. Anita Yadav, D/o Sh. Chhaju Ram Yadav, aged about 43 years, Plot 45, Indira Vihar, Sector-7, New House Road, Jodhpur (Rajasthan)
2. Baiinath Kumhar, S/o Sh. Baelu Ram, aged about 48 years, resident VPO Dewal, Tehsil Malpura District Tonk (Rajasthan)
3. Jasbinder, S/o Sh. Kripel, Karangpura, PO Garda, Tehsil Kishanganj District Baran (Rajasthan)
4. Jeetendra, S/o Sh. Prakas, aged 46 years, Gwalechwar Mahadev Mandir, Madena Colony, Jodhpur
5. Prem Katewa, S/o Sh. Dharu Ram, aged about 48 years, Gopalpura, PO Hemirkala, Tehsil & District Jhunjhunu (Rajasthan)
6. Shalini, D/o Sh. Rauring, aged about 48 years, 1/1/22 Kuda Section-1, Kudi Bhagani Housing Board, Jodhpur (Rajasthan)
7. Shiny Peter, D/o Shri Peter A, aged about 44 years, 1-D-B Madhuben Housing Board, Near Ambika Hospital, Basni, Jodhpur (Rajasthan)
8. Sincy Thomas, D/o Sh. PP Thomas, aged about 43 years, PazrVadakekara House, Vadevathoor, PO Dist, Kottayam (Kerala)
9. Usha Kumari, D/o Sh. Sheopel Singh, aged about 46 years, Wzin 26 IInd Floor, Sant Nagar Extn, Tilak Nagar street, Near Montu Shah Cable Network, New Delhi

.....Applicants

By Advocate:Mr S.K.Malik

Versus

1. Union of India Through the Secretary, Ministry of Health & Family Welfare, New Delhi- 110029.
2. Executive Director, All India Institute of Medical Sciences, Basni IInd Phase, Jodhpur- 342005.
3. Deputy Director (Administration), All India Institute of Medical Sciences, Basni IInd Phase, Jodhpur- 342005.



.....Respondents

By Advocate: Mr K.S.Yadav

Original Application No. 290/00620/2024

1. Himanshu Narayan Lakhera S/o Shri Nandkishor Lakhera, Aged about 45 years, R/o 260, Parswanath Nagar, Airport Road, Post Office Sanganer, District Jaipur, Rajasthan. (at present working as Staff Nurse Grade-I/ Senior Nursing Officer, AIIMS Jodhpur).
2. Ajay Pal Singh Kumpawat S/o ShriMangal Singh Kumpawat, Aged about 43 years, R/o Village Banmiya, Post-Mokhmpura, Tehsil-Bali, District Pali, Rajasthan. (at present working as Staff Nurse Grade-I/ Senior Nursing Officer, AIIMS Jodhpur).

.....Applicants

By Advocate :Mr Nikhil Dungawat.

VERSUS

1. Union of India, through the Secretary to the Ministry of Health and Family Welfare, Nirman Bhawan, Maulana Azad Road, (PMSSY Division) New Delhi. 110011
2. All India Institute of Medical Sciences (AIIMS) Jodhpur, through its Executive Director, situated at Basni Phase-2, Jodhpur 342005, Rajasthan.
3. Executive Director, All India Institute of Medical Sciences (AIIMS) Jodhpur, situated at Basni Phase-2, Jodhpur 342005, Rajasthan.
4. Deputy Director (Administration), All India Institute of Medical Sciences (AIIMS) Jodhpur, situated at Basni Phase-2, Jodhpur 342005, Rajasthan.

.....Respondents

By Advocate : Mr.K.S.Yadav

Original Application No. 290/00611/2024



OA 290/00621/2024 ALONG WITH CONNECTED MATTERS

Anita Yadav D/o Sh. Chhaju Ram Yadav, aged about 43 years, Plot No. 45, Indira Vihar, Sector-7, New House Road, Jodhpur (Rajasthan), working on the post of Nurse Gr. II in AIIMS Jodhpur.

.....Applicant

VERSUS

By Advocate: Mr S.K.Malik

1. Union of India Through the Secretary, Ministry of Health & Family Welfare, New Delhi- 110029.
2. Director, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.
3. Sr. Administrative Officer, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.

.....Respondents

By Advocate : Mr.K.S.Yadav

Original Application No. 290/00612/2024

Sincy Thomas D/o Sh. PP Thomas, aged about 43 years, Pazoor Vadakekara House, Vadevathoor, PO Dist, Koyyayam (Kerela) working on the post of Nurse Gr. II in AIIMS Jodhpur.

.....Applicants

VERSUS

By Advocate: Mr S.K.Malik

1. Union of India Through the Secretary, Ministry of Health & Family Welfare, New Delhi- 110029.
2. Director, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.



OA 290/00621/2024 ALONG WITH CONNECTED MATTERS

3. Sr. Administrative Officer, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.

.....Respondents

By Advocate: Mr.K.S.Yadav

Original Application No. 290/00613/2024

Jeetendra S/o Sh. Bharat Prakash, aged about 46 years, near Gwalechwar Mahadev Mandir, Maderna Colony, Jodhpur (Rajasthan) working on the post of Nurse Gr. II in AIIMS Jodhpur.

.....Applicant

By Advocate: Mr S.K.Malik

VERSUS

1. Union of India Through the Secretary, Ministry of Health & Family Welfare, New Delhi- 110029.
2. Director, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.

Sr. Administrative Officer, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.

.....Respondents

By Advocate: Mr.K.S.Yadav

Original Application No. 290/00614/2024

Shalini D/o Sh. Raghubir Singh, aged about 48 years, 1/1/22, Kudi Section-1, Kudi Bhagtasni Housing Board, Jodhpur (Rajasthan), working on the post of Nurse Gr. II in AIIMS Jodhpur.

.....Applicant

By Advocate :Mr S.K.Malik

VERUS



OA 290/00621/2024 ALONG WITH CONNECTED MATTERS

1. Union of India Through the Secretary, Ministry of Health & Family Welfare, New Delhi- 110029.
2. Director, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.
3. Sr. Administrative Officer, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.

.....Respondents

By Advocate : Mr.K.S.Yadav

Original Application No. 290/00615/2024

Shiny Peter D/o Shri Peter A, aged about 44 years, 1-D-B Madhuban Housing Board, Near Ambika Hospital, Basni, Jodhpur (Rajasthan), working on the post of Nurse Gr. II in AIIMS Jodhpur.

.....Applicant

By Advocate:Mr S.K.Malik

VERSUS

1. Union of India Through the Secretary, Ministry of Health & Family Welfare, New Delhi- 110029.
2. Director, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.
3. Sr. Administrative Officer, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.

.....Respondents

By Advocate : Mr. K.S.Yadav

Original Application No. 290/00616/2024



OA 290/00621/2024 ALONG WITH CONNECTED MATTERS

Shiny Peter D/o Shri Peter A, aged about 44 years, 1-D-B Madhuban Housing Board, Near Ambika Hospital, Basni, Jodhpur (Rajasthan), working on the post of Nurse Gr. II in AIIMS Jodhpur.

.....Applicant

By Advocate: Mr S.K.Malik

VERSUS

1. Union of India Through the Secretary, Ministry of Health & Family Welfare, New Delhi- 110029.
2. Director, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.
3. Sr. Administrative Officer, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.

.....Respondents

By Advocate : Mr.K.S.Yadav

Original Application No. 290/00617/2024

Bajnath Kumhar S/o Sh. Balu Ram ji, aged about 48 years, resident VPO Dewal, Tehsil Malpura, District Tonk (Rajasthan), working on the post of Nurse Gr. II in AIIMS Jodhpur.

.....Applicant

By Advocate : Mr S.K.Malik

VERSUS

1. Union of India Through the Secretary, Ministry of Health & Family Welfare, New Delhi- 110029.

OA 290/00621/2024 ALONG WITH CONNECTED MATTERS

2. Director, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.
3. Sr. Administrative Officer, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.

.....Respondents

By Advocate : Mr. K.S.Yadav

Original Application No. 290/00618/2024

Jasbinder S/o Sh. Kripal Singh, aged about 44 years, village Karangpura, PO Garda, Tehsil Kishanganj, District Baran (Rajasthan), working on the post of Nurse Gr. II in AIIMS Jodhpur.

.....Applicant

By Advocate:Mr S.K.Malik

Versus

1. Union of India Through the Secretary, Ministry of Health & Family Welfare, New Delhi- 110029.
2. Director, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.
3. Sr. Administrative Officer, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.



.....Respondents

By Advocate : Mr.K.S.Yadav

OA 290/00621/2024 ALONG WITH CONNECTED MATTERS

Original Application No. 290/00619/2024

Prem Katewa S/o Sh. Dharu Ram, aged about 48 years, village Gopalpura, PO Hemirkala, Tehsil & District Jhunjhunu (Rajasthan), working on the post of Nurse Gr. II in AIIMS Jodhpur.

.....Applicant

By Advocate : Mr S.K.Malik

Versus

1. Union of India Through the Secretary, Ministry of Health & Family Welfare, New Delhi- 110029.
2. Director, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.
3. Sr. Administrative Officer, All India Institute of Medical Sciences, Basni II Phase, Jodhpur- 342005.

.....Respondents

By Advocate : Mr.K.S.Yadav

ORDER

Per: Hon'ble Mr. Justice Rameshwar Vyas

Being aggrieved by the Speaking Order dated 18.12.2024 whereby the prayer of the applicants for regularizing their services to the post of Staff Nurse Grade II/I in the All India Institute of Medical Sciences [AIIMS], Jodhpur has been rejected and the office orders dated 23.12.2024 terminating their services, the applicants have filed the present 12 Original Applications. In OA No. 621/2024 and 620/2024 filed jointly by 27 and 02 applicants respectively, they have challenged both the speaking order and their individual termination



orders whereas rest of the 09 applicants have challenged separately the speaking order by filing joint OA No. 622/2024 and their termination orders by filing Original Applications No. 611/2024, 612/2024, 613/2024, 614/2024, 615/2024, 616/2024, 617/2024, 618/2024 & 619/2024 respectively.

Since the questions involved in these OAs arise from common rejection order dated 18.12.24 and consequent termination orders, which are based upon the same speaking order, these OAs are being decided by a common order.

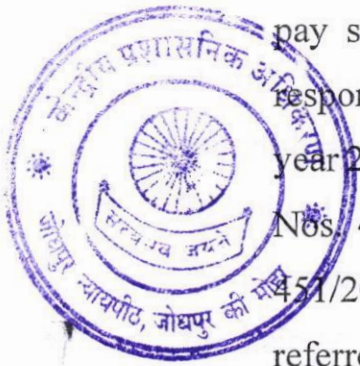
2. The facts of the case in brief are as under :

2.1 The Ministry of Health & Family Welfare [MoHFW], Govt. of India under Pradhan Mantri Swasthya Suraksha Yojna [PMSSY] approved recruitment to various posts inter-alia the posts of Nursing Staff for meeting the functional requirement of newly created AIIMS including AIIMS Jodhpur vide communication dated 04.04.2013 (Annex. A/5). After getting approval to make recruitment to various posts, the AIIMS Jodhpur vide Advertisement dated 15.07.2013 (Annex. A/4) invited applications from Indian citizens for various posts of nursing including posts of Nursing Gr. II & Nursing Gr. I (Nursing Officer) for Nursing College and Hospital Service on contract basis initially for a period of 11 months in prescribed format and on the terms and conditions as mentioned in annexure 'A' attached to the Advertisement. As per terms and conditions in annexure 'A', the appointment was purely on contract basis initially for a period of 11 months. It is further provided that contract will automatically expire



on completion of 11 months until it is renewed with mutual consent for the decided period. The recruitment was based on the selection procedure consisting of a written test/interview. The applicants being eligible and having requisite qualifications applied for the posts of Nursing Gr II/I respectively. They passed the written test and interview and after undergoing the selection process, got appointment on a contract basis to the post of Nursing Grade II/I in the AIIMS Jodhpur vide appointment letter dated 15.01.2014 (Annex. A/6 collectively).

2.2 It is pertinent to note that though their appointment were initially for a period of 11 months but was renewed from time to time with a view to gear smooth functioning of the clinical and the academic work of AIIMS Jodhpur. In the year 2015, the applicants made representation to regularize their services and also grant them regular pay scale. Thereafter, not getting a favourable response from the respondents, the applicants filed various OA before this Bench in the year 2016. After considering the arguments of both the parties, that OA Nos. 445/2016, 444/2016, 446/2016, 448/2016, 449/2016, 450/2016, 451/2016, 531/2016 and 105/2017 were dismissed by this Bench as referred in judgment dated 12.03.2024. Being aggrieved by the dismissal of the OAs, the applicants challenged the order passed by this Bench before the Hon'ble Rajasthan High Court in DBCWP No. 13603/2024 connected with 5234/2024, 5270/2024, 5437/2024, 5647/2024, 5753/2024, 6984/2024, 12172/2024, 6966/2024, 5238/2024 & 5612/2024. The Hon'ble High Court while partly allowing these writ petitions by judgment dated 19.09.2024, quashed and set aside the order passed by this Bench and directed the

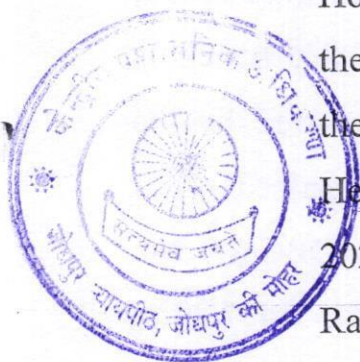


respondents to pass a fresh speaking order in the matter of regularization of the petitioners' service on the post in question, while keeping into due consideration, the Resolution of AIIMS, New Delhi dated 07.05.2014, Agenda Item No. 11 of Second Meeting of Governing Body of AIIMS Jodhpur dated 11.05.2017 and the precedent law pertaining to regularization of employees, within a period of 3 months from the date of judgment.

2.3 Thereafter, the respondents placed the matter in the 9th meeting of the Governing Body of AIIMS Jodhpur held on 07.11.2024 (Annex. A/3) as Item No. GB 09/08 and Governing Body decided as under:

“Decision regarding regularization of contractual Nursing Staff at AIIMS Jodhpur, pursuant to the Hon’ble Rajasthan High Court directions.

The Governing Body discussed the Agenda in detail and took note of the facts of the case and other details as desired by the Hon’ble High Court in its decision dated 19/09/2024. In view of the facts submitted, the legal precedents presented, the facts of the case of AIIMS Delhi and reply submitted by the Ministry of Health and Family Welfare in Lok Sabha on 18th September, 2020 regarding regularization of contractual workers at AIIMS, Raipur, Ministry of Health and Family Welfare’s letter dated 3rd November, 2023 regarding regularization of services of contractual employees and the DoPT OM No. 49014/7/2020-Estt. (C) dated 07/10/2020, it was decided that contractual nursing personnel cannot be regularized.”



Further, the Governing Body authorized the Executive Director, AIIMS Jodhpur to prepare as speaking order rejecting the petitioners claim for regularization of their services as Staff Nurse Grade-I and Staff Nurse Grade-II .”

2.4 In compliance of the above decision of Governing Body, the Executive Director, AIIMS Jodhpur on 18.12.2024 passed the speaking order, the details of which shall be dealt with afterwards. Thereafter, an office order dated 23.12.2024 was issued terminating the services of the contractual Staff Nurse Gr. I/II.

2.5 It is the grievance of the applicants that while rejecting the claim of the applicants, the respondents ignored and disobeyed the observations given by the Hon'ble High Court and even the admission made by the respondents that the applicants were not inducted into service through back door entry. The Hon'ble High Court, while passing the order, clearly decided the issue that the applicants were not inducted through backdoor entry. They were appointed through proper channel. At the time of passing the interim order, the AIIMS admitted that the applicants have undergone the proper selection process and they were not backdoor entrants. The respondents overreached the observation of Hon'ble High Court and passed illegal orders.

2.6 The applicants raised various grounds to assail the order of the respondents in rejecting their claim for regularization which shall be dealt with at appropriate stage.



2.7 In reply to the OA, filed by the respondents, it is averred that recruitment rules for the nursing staff were under process to be framed for newly established AIIMS in various parts of the country, but to gear up, the starting staff was urgently needed, therefore, AIIMS Jodhpur issued an advertisement dated 15.07.2013 for appointment on contractual basis initially for 11 months on different positions including the Staff Nurse Gr. II & Staff Nurse Gr. I. The applicants, having possessed the requisite educational qualification, applied in pursuance of the aforesaid advertisement. After going through the prescribed selection process, appointed on the post of Staff Nurse Garde II/I on contract basis for a period of 11 months on consolidated remuneration. On 24.09.2016, the AIIMS Jodhpur advertised regular post of Staff Nurse Gr. II/I. The applicants on 13.10.2016 filed various Original Applications and sought direction against the respondent AIIMS to regularize their services on the post of Staff Nurse Gr. II/I. During pendency of such OAs, the matter of regularization of contractual staff was taken up under Agenda Item No. 11 of the Second Meeting of the Governing Body of AIIMS Jodhpur dated 11.05.2017.

Agenda Item No.11:

Discussion on service matters of contractual Staff Nurse.

Governing Body was informed that a letter from Dr. Manoj Rajoria, Member of the Institute Body and Hon'ble Member of Parliament has been received regarding regularization and salary enhancement of contractual Staff Nurse Grade – I.

Committee was further informed that one Assistant Nursing Superintendent (ANS), six Staff Nurse Grade – I and eighty six Staff Nurse Grade – II are working in AIIMS Jodhpur on contract



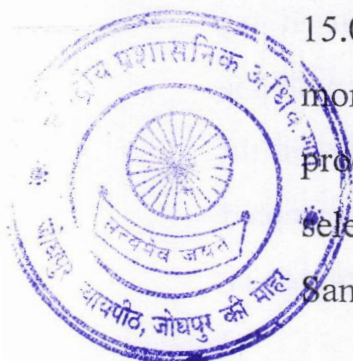
basis since 2014. They have filed the case in Hon'ble Central Administrative Tribunal (CAT) for regularization of their services. Reply has already been filed in Hon'ble Court.

Governing Body, after discussion, observed that a committee for revising the Recruitment Rules for Nursing Cadre is already in place. Therefore, the Governing Body felt that the matter may also be considered while revising/framing the Recruitment Rules.

2.8 A committee was constituted by the MoH&FW vide letter dated 15.03.2017 which deliberated on the issue of age relaxation for nursing staff of AIIMS Jodhpur and recommended "One-time age relaxation for the period equivalent to the period for which they have served at AIIMS Jodhpur." Accordingly, the approval of the President for relaxation in upper age limit for the period of continuous service in AIIMS Jodhpur in equivalent post or up to five years whichever is less was conveyed as a one-time relaxation for Direct Recruitment of the contractual employees. Therefore, in Advertisement No. 78/2018 age relaxation was granted to the eligible contractual employees. Several employees availed this age relaxation and 6 of them were successfully selected as Nursing Officers after availing age relaxation. Further, the matter of regularizing the contractual nursing staff was subsequently presented before the Institute Body during its 4th meeting held on 21.01.2020 wherein regularization of contractual nursing staff was rejected in the absence of any provision of regularization in the Recruitment Rules. Their term of contract was extended with the approval of Institute Body/Governing Body till 13.12.2023 or till further order whichever is earlier. The applicants voluntarily accepted the terms of contractual appointment. Vacancies were on temporary

basis and not on permanent basis. Contractual appointments were necessitated by urgent healthcare demands. The successive extensions of the contract were granted in conformity with administrative requirements and internal rules. No promise of permanent regularization was ever made. The rejection of regularization is based on absence of any scheme of regularization being available under the current framework in AIIMS Jodhpur. **The applicants were appointed vide order dated 15.01.2014 and continued till 31.03.2022 without any interim protection by Hon'ble Court** but thereafter, their services were extended in the garb of interim order dated 01.04.2022 passed by this Tribunal, therefore, the applicants are not entitled to any benefit under the judgment rendered by Hon'ble Supreme Court in the matter of Secretary, State of Karnataka & Ors. Vs. Uma Devi & Ors., (2006) 4 SCC 1 which bars regularization without a permanent vacancy and proper recruitment under constitutional norms.

It is further averred that while issuing the notification dated 15.07.2013, the initial requirement of publication of the notification as per Clause 8(a) of OM/Letter dated 04.04.2013 was not followed on account of non-availability of Recruitment Rules for the newly established AIIMS. The appointment under the Advertisement dated 15.07.2013 was sought to be made on contract basis only, till the moment RRs are framed and regular selections are made. The procedure of standard publication of the same as laid down for regular selections by publishing the same in Employment News/Rojgar Sandesh including various Employment Newspapers of the States was



not followed. Contradicting the claim of the applicants, the respondents prayed to dismiss the OA.

2.9 The applicants filed a rejoinder alongwith some annexures.

3. Heard learned counsel for the parties and perused the material available on record.

4. Learned counsel for the applicant contended that the applicants were not inducted through "Backdoor". They were appointed pursuant to publication of the advertisement dated 15.07.2013 (Annex. A/4) through open market after undergoing the selection process. The Hon'ble Rajasthan High Court directed the respondents to decide the representation considering the observation made by the Court but the authorities illegally rejected the representation of the applicants vide order dated 18.12.2024 and thereafter, terminated their services. The above advertisement was published in various newspapers. As per information received through RTI, a total 4953 candidates applied for the post of Staff Nurse Gr II against the advertisement dated 15.07.2013. The applicants were appointed after adopting due selection process including the principle of reservation in recruitment. The respondents extended their contracts from time to time without any direction of the Hon'ble Courts. The respondents never issued any show-cause notices for terminating their services. The interim protection on 30.03.2022 granted by this Tribunal was in apprehension of terminating their services, though the respondents never initiated any termination proceedings against them. The order of terminating their services was issued while deciding the issue of regularization under the



directions issued by the Hon'ble High Court in the writ petitions decided on 19.09.2024. The respondents have ignored the directions issued by the Hon'ble High Court in rejecting their claim for regularization and terminating their services without following principles of natural justice.

It is further contended that the applicants' services were required by the respondents for smooth functioning of the AIIMS Jodhpur. They allowed the applicants to continue without any judicial order. After the applicants had served for about 10 years, the respondents terminated their service ignoring the legal position on the subject.

Learned counsel for the applicants further submitted that the appointment of the applicants was against regular sanctioned posts. The similarly situated persons have been regularized by AIIMS New Delhi. In the second meeting of the Governing Body of AIIMS Jodhpur on 11.05.2017, it was decided to consider the case of the applicants for regularization sympathetically but it was rejected without any valid reason citing the absence of any provision in the Recruitment Rules, which cannot be a valid ground to reject the claim of the applicants who fulfil all criteria for regularization. Terminating their services will not only be in violation of legal precedents but also will be iniquitous. At this juncture, they would not be able to find any suitable source of income resulting in great hardship to their families also.

In this connection, learned counsels for the applicants have relied upon following judgments.



- (1) Bhola Nath v. State of Jharkhand (2026 INSC 99);
- (2) Jaggo v. Union of India & Ors. (2024 INSC 1034);
- (3) Mohd. Sadik v State of Rajasthan & Ors, D.B. Special Appeal Writ No. 844/2025 in SBCWP No. 5896/2017 decided on 16.03.2026 by Hon'ble Rajasthan High Court at Jaipur.

5. On the contrary, learned counsel for the respondents submitted that after accepting the terms and conditions of the offer letter of appointment on contractual basis, the applicants cannot claim their regularization. There is no provision under the Recruitment Rules of AIIMS Jodhpur for Staff Nurse Gr. II/I to regularize the services of a contractual employee. The procedure adopted while appointing the applicants on a contractual basis was not similar to that of the procedure for regular appointment. At the time of appointing applicants on contractual basis, the recruitment rules were not in force, therefore, they were recruited for a limited period of time to meet the functional requirement of the AIIMS Jodhpur. Considering the difficulties faced by some of the contractual Staff Nurse Gr. II/I, as a one-time measure age relaxation was also given to them. Some of the employees availed that relaxation and appeared in the examination pursuant to Advertisement dated 24.09.2016 and some of them succeeded in the examination and were selected as regular employees. The applicants were either ineligible or failed to qualify the examination, therefore, they were not selected in the subsequent recruitment process. Regularisation of the services of the applicants will not be legal and will violate the right to equality. The applicant are not entitled to be regularized since they served only for about eight years and further

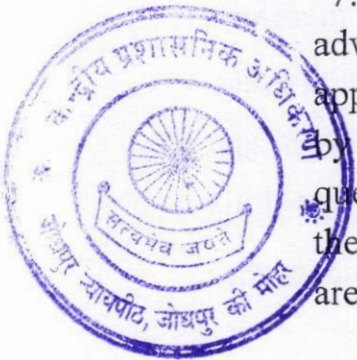


extension of their service was on account of interim protection by Hon'ble Court. Therefore, the ratio propounded in the matter of Uma Devi (supra) does not support the claim of the applicants. The speaking order passed by the respondents is fair, justified and in full compliance of the judgment of Hon'ble High Court. A contractual employee has no vested right for regularization. Learned counsel for the respondents has prayed to dismiss the OAs.

6. Having regard to the submissions made by learned counsels for the parties and material available on record, the question before us for consideration is whether the respondents committed illegality in rejecting the claim for regularization of the applicants' services and terminating their services while passing order in compliance of the directions issued by Hon'ble Rajasthan High Court in DBCWP No. 13603/2024 connected with 5234/2024, 5270/2024, 5437/2024, 5647/2024, 5753/2024, 6984/2024, 12172/2024, 6966/2024, 5238/2024 & 5612/2024 on 19.09.2024?

At the outset, it would be appropriate to highlight some of the important observations made by Hon'ble High Court in the judgment dated 19.09.2024, which read as under :

“7. This Court further observes that the respondents issued the advertisement in the year 2013 and the petitioners were appointed, after going through the written examination, followed by the interview, and the petitioners' appointment on the post in question was made initially for a period of 11 months, and thereafter, it was extended from time to time, and till today they are working on the said post, for last more than 10 years.



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10. This Court also observes that in an identical situation, the AIIMS, New Delhi in its 150th Meeting of the Governing Body held on 28.02.2014, comprising Chairman, Members, Member Secretary and Special Invitees, considered the proposal for regularization of Group "B" & "C" employees working on ad hoc basis, and as per the Minutes of the said Meeting, a total of 193 employees whose working tenure was ranging from 10 to 15 years were regularized in service; the present petitioners, working in the respondent-AIIMS, Jodhpur are similarly situated to the said employees regularized in service by AIIMS, New Delhi. The said proposal was also fortified by the Memorandum of the Director and the Member Secretary issued on 07.05.2014. This Court also observes that subsequently, the said employees of AIIMS, New Delhi were regularized in service and consequently, are getting regular pay scale of the post of Nurse Grade-II on 30.06.2014.

11. This Court further observes that the petitioners' case for regularization of their services on the post in question, was also placed before the Governing Body in the Second Meeting of AIIMS, Jodhpur on 11.05.2017, in the presence of the Chairman, Members and Member Secretary, whereby as per Agenda Item No.11, the regularization of the petitioners on the post in question fell for consideration and after discussion, the Chairman directed that respondent-AIIMS may also examine the issue sympathetically and thereafter, forward the proposal, if any, to the Ministry for further examination.

12. This Court also observes that the petitioners were working without any protection in the form of interim order(s) for about 9 years on the post in question in the respondent department, and thereafter, they were protected vide the interim orders in various stages of litigation, thus, they are working on the post in question for last more than 10 years. This Court further observes that the respondent issued the advertisement in the year 2013 and the



petitioners cleared the written examination, so also the next stage i.e. the interview, thus, their selection on the post in question was made on the basis of their merit, which clearly shows that the petitioners were appointed through open market competition, and were not inducted in service through back door entry.”

After considering factual matrix of the present case, Agenda Item No. 11, Resolution of the AIIMS, New Delhi and the precedent law pertaining to regularization, the writ petitions were partly allowed, while quashing and setting aside the impugned order dated 12.03.2024 passed by this Tribunal. The respondents were directed to pass a fresh speaking order in the matter of regularization of the applicants' service on the post in question, while keeping into consideration the Resolution of AIIMS, New Delhi, Agenda Item No. 11 of Second Meeting of Governing Body of AIIMS Jodhpur dated 11.05.2017 and the precedent law pertaining to regularization of employee within a period of three months.

7. Pursuant to the above directions issued by Hon'ble Rajasthan High Court in the aforementioned judgment, the matter of contractual nursing staff of AIIMS Jodhpur was taken up by the Governing Body as Agenda Item No. GB 09/08 in its meeting dated 07.11.2026 wherein it was decided that contractual nursing personnel cannot be regularized.

To prepare the speaking order, the Governing Body authorized the Executive Director, AIIMS Jodhpur, pursuant to which, the Executive Director on 18.12.2024 passed speaking order. Upon perusal of the speaking order, we find the following reasons which were made basis for rejecting the prayer for regularization :



(i) Whereas, petitioners were appointed on contract basis to the post of Staff Nurse Grade-I and Staff Nurse Grade-II in the AIIMS, Jodhpur initially for a period of 11 months with the condition that their appointments will be purely on temporary basis and will not entitle them for regular appointment. Further referring to the terms and conditions of the Advertisement, the Executive Director observed that, after having accepted the condition, the petitioners cannot dispute the validity of conditions on which they were appointed on contractual basis.

(ii) Impugned speaking order further states that, it is not in dispute that for recruiting the candidates on a regular basis, notification is required to be given wide publicity in scheduled national daily newspapers, Employment news including various employment magazines, as per norms fixed by Central Govt, which was not done while issuing the advertisement dated 15.07.2013, for recruitment on contractual basis.

(iii) It is incorrect to say that there is no difference between the recruitment process for regular appointment and appointment on contract basis. Only on account of the procedure of written test and interview undertaken by the respondent authority to recruit a candidate for appointment on contract basis does not mean that they need not undergo the process of regular appointment. After getting an appointment on contract basis, if the requirement of going through a regular selection process is dispensed with, then it would certainly



amount to a backdoor entry bypassing the process of regular appointment.

(iv) Agenda Item No. 11 of 2nd Governing Body Meeting AIIMS Jodhpur and Resolution of the AIIMS, New Delhi regarding regularization of Group "B" and "C" employees working on ad hoc basis as approved by AIIMS Delhi in the 150th Meeting of Governing Body held on 28.02.2014 cannot be taken as a lawful base to regularize the petitioners in the present case of AIIMS Jodhpur in the absence of any law or scheme of regularization as held by Hon'ble Supreme Court in Ganesh Digamer Jambhrunkar & Ors Vs. The State of Maharashtra & Ors, 2023 Live Law (SC) 801 wherein Hon'ble Supreme Court observed that :

"We appreciate the argument of the petitioners that they have given best part of their life for the said college but so far as law is concerned, we do not find their continuous working has created any legal right in their favour to be absorbed. In the event there was any scheme for such regularization, they could have availed of such scheme but in this case, there seems to be none."

There is no comparable scheme in AIIMS Jodhpur for the absorption or regularization of contractual or project employees, which further distinguishes its situation from that of AIIMS Delhi.

(v) In the present case, the applicant had served only for approximately 8 years when the interim protection was granted. The Central Administrative Tribunal issued interim orders on 30.03.2022



and 01.04.2022 restraining AIIMS Jodhpur from terminating their services till the outcome of OA No. 105/2017 and 445/2016 respectively.

(vi) The Executive Director relied upon the judgment of Hon'ble Supreme Court in the matter of Uma Devi (supra) that there should not be any backdoor entry into public service, and that every post must be filled through a regular appointment process based on merit and fairness.

(vii) The Executive Director relied upon the judgment of Hon'ble Supreme Court in the matter of State of Karnataka v. M.L. Kesari & Ors, (2010) 9 SCC 247 wherein Hon'ble Supreme Court held as under:

“5. It is evident from the above that there is an exception to the general principles against ‘regularization’ enunciated in Umadevi, if the following conditions are fulfilled :

(i) The employee concerned should have worked for 10 years or more in duly sanctioned post without the benefit or protection of the interim order of any court or tribunal. In other words, the State Government or its instrumentality should have employed the employee and continued him in service voluntarily and continuously for more than ten years.”

(viii) The impugned speaking order also states that petitioners have not completed 10 years of service in a duly sanctioned post without judicial protection. An extension of approximately 5 years and 4 months was

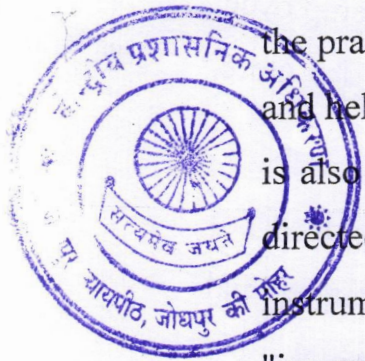


granted from 13.10.2016 to 30.03.2022 as the matter was sub judice before the Hon'ble CAT Jodhpur Bench.

(ix) One of the ground for rejecting the claim of the applicants for regularization was that in AIIMS Jodhpur, there is no specific scheme or provision for regularization of any employees including contractual staff and in the absence of which the petitioners cannot be regularized under any existing legal framework in AIIMS Jodhpur.

(x) The speaking order also refers to the DoPT OM NO. 49014/7/2020-Estt. (C) dated 07.10.2020 as also letter dated 03.11.2023 issued by MoH&FW, GOI.

8. After considering the reasons assigned by the Executive Director for rejecting the prayer of the applicants for regularization, observations made by Hon'ble Rajasthan High Court and the law laid down by Hon'ble Supreme Court on the issue of regularization, we find that Governing Body and the Executive Director, AIIMS Jodhpur could not appreciate the observations of Hon'ble Rajasthan High Court and law enunciated by Hon'ble Supreme Court on this point. It is true that Hon'ble Supreme Court in the matter of Uma Devi (supra) deprecated the practice of appointment in public services through back door entry and held that every post should be filled up by regular appointment. It is also true that Hon'ble Supreme Court in Uma Devi's case (supra) directed the Union of India, the State Governments, and their instrumentalities to take step, as a one-time measure who were "irregularly" appointed, provided they had worked continuously for 10 years or more in a duly sanctioned post. However, while deciding the



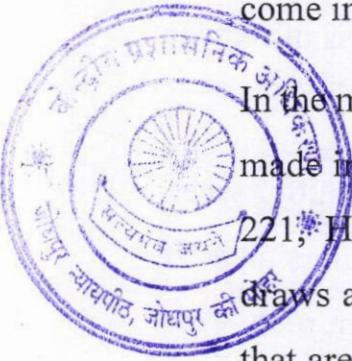
issue of regularization, the authorities are required to take note of subsequent judgments of Hon'ble Supreme Court clarifying the true intent behind Uma Devi (supra) judgment.

So far as the question of backdoor entry of the present applicants is concerned, the Hon'ble Rajasthan High Court in categorical terms observed that the respondent issued the advertisement in the year 2013 and the petitioners cleared the written examination, so also the next stage i.e. the interview, thus, their selection on the post in question was made on the basis of their merit, which clearly shows that the petitioners were appointed through open market competition, and were not inducted in service through backdoor entry. After the aforesaid findings of the Hon'ble Rajasthan High Court, the respondents could not have opined contrary to the observations made by Hon'ble Rajasthan High Court. Whereas, in para 14 of the impugned speaking order, Executive Director, AIIMS Jodhpur wrongly opined that after getting the appointment on contract basis, if the requirement of going through a regular selection process is dispensed with, then it would certainly amount to a backdoor entry bypassing the process of regular appointment.

9. At this stage, we would like to remind that in the year 2013 when the applications were invited for various posts inter-alia nursing staff on a contract basis through Advertisement, no recruitment rules were in existence; therefore, the AIIMS Jodhpur with the approval of Hon'ble Health & Family Welfare Minister (President AIIMS), Govt. of India initiated recruitment process on various posts inter-alia nursing



staff posts for meeting the functional requirements of the newly created AIIMS. As per the terms and conditions of the Advertisement, the applicants were required to stand in merit in the written test as also in the interview. The recruitment of the applicants may be on contractual basis but cannot be termed without following any recruitment process. The recruitment on contract basis was need of the hour at that time therefore, AIIMS Jodhpur after taking approval of the Hon'ble Health & Family Welfare Minister (President AIIMS) invited applications for various posts including nursing staff posts and recruitments were made on the terms and conditions as mentioned in Annexure 'A' to the Advertisement dated 15.07.2013. Perusal of Annexure 'A' attached to the Advertisement suggests that the contract was initially for 11 months but a provision was there for renewal with mutual consent. In view of the above circumstances, the entry of the applicants in the service cannot be termed as a backdoor entry, therefore, the judgment of Hon'ble Supreme Court in the matter of Uma Devi (supra) does not come in the way for considering regularization of the applicants.



In the matter of Bhola Nath (supra), while referring to the observations made in the matter of Shripal v. Nagar Nigam, 2025 SCC OnLine SC 221, Hon'ble Supreme Court clarified that Umadevi (supra) itself draws a distinction between appointments that are "illegal" and those that are merely "irregular", the latter being amenable to regularization upon fulfilment of the prescribed conditions.

In the matter of Jaggo (supra), Hon'ble Supreme Court in para 20 observed as under:

20. It is well established that the decision in Uma Devi (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly “irregular,” and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a scenario demanding fair regularization.

Hon’ble Supreme Court also referred to the observations made in the matter of Vinod Kumar and Ors. Etc. Vs. Union of India & Ors, [2024] 1 SCR 1230, which reads as under :

“6. The application of the judgment in Uma Devi (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the

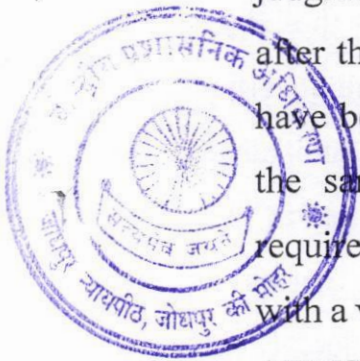


appointments through back door entry as discussed in the case of Uma Devi (supra).

7. The judgement in the case Uma Devi (supra) also distinguished between “irregular” and “illegal” appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case...”

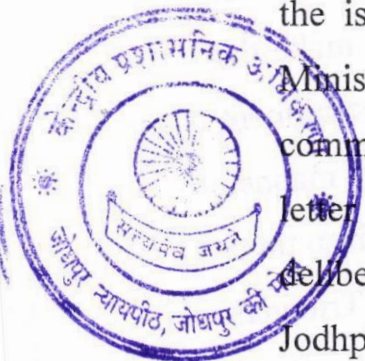
10. Keeping in view the law enunciated by Hon’ble Supreme Court, we are of the view that in the present case, the applicants’ case for regularization cannot be rejected by terming their entry a back-door entry.

So far as the fulfilment of other terms and conditions mentioned in the judgment of Uma Devi (supra) is concerned, it is not in dispute that after their initial appointment at the beginning of the year 2014, they have been continuously serving AIIMS Jodhpur and working against the sanctioned post. They fulfilled the educational qualification required for the posts; their services were extended from time to time with a view to smooth functioning of clinical and academic work of the AIIMS Jodhpur. In the impugned speaking order also, the respondents narrated that the applicants are possessing the requisite educational qualification as advertised. The respondents did not deny the extension of tenure of the applicants. Record reveals that after their appointments on contract basis, they filed Original Applications within three years,



OA 290/00621/2024 ALONG WITH CONNECTED MATTERS

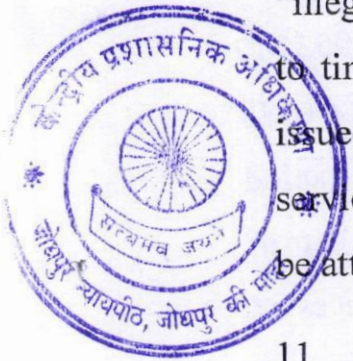
i.e. in the year 2016 praying for regularization on the strength of judgment passed by the Hon'ble Supreme Court in the matter of Uma Devi (supra) wherein on 30.03.2022 and 01.04.2022 in M.A. Nos. 42/2022 & 44/2022 respectively, the respondents were restrained from terminating the service of the applicants till outcome of the OAs. It is pertinent to mention that above interim orders were issued on the apprehension of termination thought till that time, the respondents had not taken any decision to terminate their service. Intention of the respondents to continue their services emerges from the fact that in the second meeting of the Governing Body convened on 11.05.2017 under Agenda Item No. 11, the Chairman directed AIIMS Jodhpur to examine the issue sympathetically and forward the proposal, if any, to the Ministry for further examination. Record suggest that thereafter, the committee was constituted by the President vide vide MoH&FW's letter dated 15.03.2017 which in its meeting dated 21.06.2017 deliberated on the issue of age relaxation for the nursing staff of AIIMS Jodhpur and recommended one-time age relaxation for the period which they served at AIIMS Jodhpur. The above action on the part of the respondents further suggests that respondents required services of the applicant as nursing staff, therefore, their services were not terminated, rather they were allowed to continue after giving them age relaxation in the recruitment process started in the year 2018. Subsequently, the matter of regularization of nursing staff on contract basis was placed before the Institute Body during its 4th meeting held on 21.01.2020 as mentioned in the speaking order wherein it was decided that existing rules do not provide any provision for



regularization of contractual employees, therefore, the Institute Body cannot regularize the contractual nursing staff working in AIIMS Jodhpur.

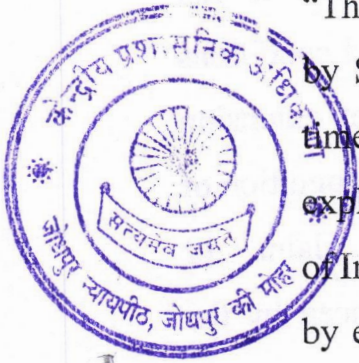
Perusal of above minutes of the meeting suggests that the main reason for not regularizing the service of the applicants was absence of any provision in the Recruitment Rules framed after induction of the applicant into service on contract basis. It appears that the situation wherein the applicants continued to work on contract basis without regularization was arose on account of absence of recruitment rules and not framing any scheme for their absorption in the Institute. In our view, absence of express provision for regularization of nursing staff recruited much before framing of recruitment rules cannot make the applicants to suffer in an unreasonable manner despite their recruitment pursuant to Advertisement dated 15.07.2013 not being in any manner "illegal" or even "irregular". Their services were extended from time to time without any interruption till 30.03.2022 when this Tribunal issued interim order restraining the respondents from terminating their services. Therefore, continuation of the service of the applicants cannot be attributed solely to judicial protection.

11. In the matter of Bhola Nath (supra), Hon'ble Supreme Court observed that "It is, therefore, not difficult to comprehend the expectation with which such contractual employees continue in the service of the State. The repeated conduct of the employer-State in expressing confidence in their performance and consistently granting monetary upgrades & tenure extensions reasonably nurtures an



expectation that their long and continuous service would receive further recognition.” Hon’ble Court while referring to the observations in the matter of Uma Devi (supra), observed that “where such engagement is made after following a due and lawful selection procedure, there is no absolute bar in law preventing such employees from invoking the doctrine of legitimate expectation.” In this judgment, Hon’ble Supreme Court further observed that “An employee who has satisfactorily discharged his duties over several years and has been granted repeated extensions cannot, overnight, be treated as surplus or undesirable. We are unable to accept the justification advanced by the respondents as the obligation of the State, as a model employer, extends to fair treatment of its employees irrespective of whether their engagement is contractual or regular.” Hon’ble Court further held that “This Court has, on several occasions, deprecated the practice adopted by States of engaging employees under the nominal labels of “part-time”, “contractual” or “temporary” in perpetuity and thereby exploiting them by not regularizing their positions. In Jaggo v. Union of India, this Court underscored that government departments must lead by example in ensuring fair and stable employment, and evolved the test of examining whether the duties performed by such temporary employees are integral to the day-to-day functioning of the organization.”

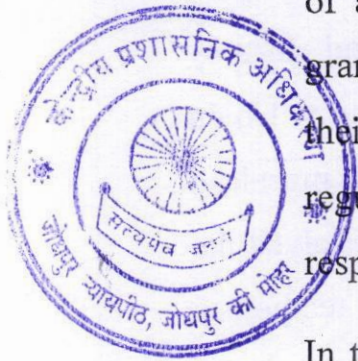
The above observations of Hon’ble Supreme Court in the matter of Bhola Nath (supra) are fully applicable to the facts and circumstances of the present case. The action of the respondents in terminating the



services of the applicants is not justified. The applicants' induction into service was not in any manner "irregular" or "illegal".

The Hon'ble Court in the above judgment referred to the observation of the Constitution Bench in the matter of *Basheshar Nath v. Comm. Income Tax*, 1958 SCC OnLine SC 7 wherein it is clarified that "fundamental rights guaranteed under the Constitution are incapable of waiver. Consequently, if the action of the respondent-State is found to be violative of Article 14 of the Constitution, the mere fact that the appellants' engagement was governed by contractual terms and conditions cannot be construed as a waiver of their fundamental rights." Keeping in view the above observations, the reasoning assigned by the Executive Director, AIIMS Jodhpur that once having accepted the terms and conditions, the applicant cannot dispute that is not acceptable. The applicants indeed accepted the terms and conditions of appointment on contractual basis, but the subsequent extension granted to them gave rise to a legitimate expectation for recognition of their long and continuous service, therefore, their claim for regularization cannot be rejected on the reasoning advanced by the respondents.

In the present cases, the Hon'ble High Court's various observations supporting the claim of the applicants have not been taken care of while not regularizing the services of the applicants and instead terminated their services. At the time of passing the impugned order, the applicants had rendered more than 10 years' of service without an adverse order on the part of the respondents. Before the passing of the



interim order by this Tribunal, the respondents had not taken any initiative to end the tenure by not granting extension. The earlier OAs filed by the applicants were on the strength of two and half years' service, which did not find favour from this Tribunal. However, while setting aside and quashing the order passed by this Bench, Hon'ble High Court took note of the fact that the applicants are working on the post without any protection in the form of interim order(s) for about 9 years on the post in question, and thereafter, they were protected vide the interim orders in various stages of litigation, thus, they are working on the post in question for last more than 10 years. Thus, the fact remains that at the time of terminating their service, they served the Institute for more than 10 years.

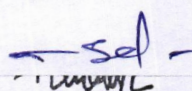
12. In view of the observations made hereinabove, it emerges that while passing the impugned speaking order dated 18.12.2024, the respondents did not take into account the Resolution of AIIMS, New Delhi, Agenda Item No. 11 of Second Meeting of Governing Body of AIIMS Jodhpur dated 11.05.2017 and the precedent law pertaining to regularisation of employees. Hence, the orders dated 18.12.2024 and 23.12.2024 are liable to be quashed and set aside.

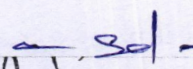
13. In the result, while allowing these Original Applications, the order dated 18.12.2024 rejecting the claim of the applicant for regularization and the subsequent order dated 23.12.2024 terminating the service of nursing staff are quashed and set aside. The respondents are directed to regularize the services of the applicants within three months as per rules, if not otherwise unfit for the post.



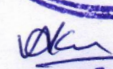
OA 290/00621/2024 ALONG WITH CONNECTED MATTERS

14. In terms of above direction, OAs are allowed with no order as to costs.
15. Pending MAs, if any, shall stand disposed of accordingly.

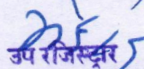

(Hukum Kumar Meena)
Member (A)


(Rameshwar Vyas)
Member (J)




**COMPARED &
CHECKED**

CERTIFIED TRUE COPY
Dated... 05/10/24


Dy. Registrar
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
जोधपुर न्यायापीठ, जोधपुर
Jodhpur Bench, Jodhpur