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Central Administrative Tribunal, Principal Bench

Original Application No.171 of 2002
M.A.No.156/2002

New Delhi, this the 18th day of January, 2002

Hon'ble Mr.Justice Ashok Agarwal,Chairman
Hon'ble Mr.Govindan S.Tampi,Member(A)

1. Pawan Kumar,Lab.Attendant,
GTB Hospital
R/o H.No.542,Village Babana,
Delhi-39
2. Rajesh Kumar,Lab.Attendant,
GTB Hospital
R/o H.No.R-57,Swatantra Nagar,Narela
Delhi-39
3. Sushil Kumar,Lab.Attendant,
GTB Hospital
R/o H.No.698/2,Gali No.16,Adarsh Mohalla
Maujpur,Delhi-53
4. Rohtash,Lab.Attendant,
GTB Hospital
R/o H.No.1912,Lakshmibai Nagar,
New Delhi-23
5. Sangeeta Kumari,Lab. Attendant,
GTB Hospital
R/o H.No.149-B,Gali No.8,East Sagarpur
New Delhi
6. Vivekanand,Lab.Attendant,
GTB Hospital
R/o H.No.49,Village Saidulajab,Mehroli
New Delhi-30
7. Chand Kiran,Lab.Attendant,
GTB Hospital
R/o H.No.F-65,Naya Gaon,Ushmanpur,
Shahdara,Delhi-53
8. Jagdish Kumar,Lab.Attendant,
GTB Hospital
R/o H.No.192,Village Pahlad Pur Bangar,
Delhi-42
9. Manoj Kumar Bhardwaj,Lab.Attendant,
Dept. of Lab.Medicine,Emergency Laboratory,
GTB Hospital,Delhi-95
10. Devinder Mallah,Lab.Attendant,
Dept. of Lab.Medicine,Emergency Laboratory,
GTB Hospital,Delhi-95
11. Om Prakash,Lab.Attendant,Qr.No.A-46
GTB Hospital Campus,Delhi-95
12. Ram Raj,Lab.Attendant
Blood Bank,GTB Hospital,Delhi-95

.....Applicants

(By Advocate: Shri Hori Lal)

Versus

1. The Principal Secretary(Health)
Health & Family Welfare Department
Govt. of NCT of Delhi, Delhi Sachivalaya
Indra Prastha Estate,
New Delhi-2
2. The Public Health Coordinator-cum-
Additional Secretary,
Govt. of NCT of Delhi
'A' Wing, 9th Level, Delhi Sachivalaya near ITO
New Delhi-2
3. The Medical Superintendent
G.T.B. Hospital, Delhi-95

.... Respondents

O R D E R (ORAL)

By Hon'ble Mr. Govindan S. Tampli, M(A)

M.A.156/2002 for joining together in a single application, is allowed.

2. The relief claimed in this OA is quashing of the advertisement issued by respondent no.3 for filling the vacancies of Lab.Assistants in GTB Hospital.
3. It is brought to our notice by the learned counsel that in terms of the recruitment rules for the posts of Lab.Assistants in Medical Institutions under the Delhi Administration, the educational qualifications prescribed are Matriculation or Higher Secondary or Senior Secondary with Science and Diploma in Medical Laboratory Techniques from a recognised Institution. As per the recruitment rules, 25% posts of the Lab.Assistants should be filled up by promotion failing which by direct recruitment and the remaining 75% by direct recruitment. All the applicants are working as Lab.Attendants from 1997 except one who is working from 1998 and all of them are having the essential educational

qualification as prescribed in the recruitment rules and they are eligible for being considered for promotion against the promotion quota. The applicants however apprehend that with the issuance of the aforesaid advertisement, all the vacancies in the grade of Lab.Assistant are likely to be exhausted by the candidates coming on contract basis which would hamper their justified and rightful promotional chances. They, therefore, seek immediate intervention of the Tribunal in the matter.

4. We have carefully considered the submissions made by the learned counsel. A perusal of the recruitment rules indicate that the Lab.Attendants who are having the qualification of Matriculation or Higher Secondary or Senior Secondary with Science and have rendered three years' service in the grade, are eligible for being considered for promotion against 25% quota. We also find that the applicants are having the requisite educational qualification and diploma in Medical Laboratory Techniques also. Perusal of the advertisement nowhere actually states that all the posts are being filled against the advertisement and that the promotion quota would also be consumed in this manner. Therefore, we do not find that the apprehension of the applicants is having any basis. However, we hope that the respondents would act in accordance with the recruitment rules and confine themselves to recruit persons against 75% quota meant for direct recruitment and would also take steps to convene DPC for promotion against 25% quota for those who

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are eligible for promotion as Lab. Assistants.

5. The OA stands disposed of with the above observations, at the admission stage.

Issue DASTI.

(Govindan S. Tampi)
Member (A)


(Ashok Agarwal)
Chairman

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