

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 2161/2001

New Delhi this the 27th day of August, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)
Hon'ble Shri Govindan S. Tampi, Member (A)

Shri M.L. Meena,
Dy. Director General (Stores)
Drugs Division,
Director General of Health Services,
Nirman Bhawan,
New Delhi-110 001

R/o B-142, Nanak Pura,
New Delhi-110 0021

-Applicant

(By Advocate: Shri M.K. Gupta)

Versus

1. Union of India
through its Secretary
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi-110 011.
2. Director General of Health Service,
Government of India,
Nirman Bhawan,
New Delhi- 110 011.

-Respondents

ORDER (Oral)

Hon'ble Smt. Lakshmi Swaminathan, VC(J)

Heard Shri M.K. Gupta, learned counsel for
the applicant.

2. In para-1 of this OA, the applicant
states that he is challenging the communication
dated 18.7.2001 (Annexure A-1), the relevant portion
of which reads as follows:-

"The undersigned is directed to refer
to notes No.21/MLM/DDG(ST) dated
11.7.2001 and No.22/DDG(Store), dated
11.7.2001 from Shri M.L. Meena,
DDG(St.) on the subject cited above and
to forward herewith a copy of, letter
No.A-32022/6/98-St.-I dated 11.9.98

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alongwith its enclosure. If necessary, Shri Meena may give a fresh representation giving complete facts for consideration of the Ministry of Health & Family Welfare".

2. Learned counsel for applicant has fairly stated that by the aforesaid OM dated 18.7.2001 the applicant was asked to make a fresh representation, giving complete facts for consideration of the respondents. At the same time, based on their earlier letter dated 31.7.98, the respondents have taken a stand that they have already considered the same and they have been making repeated representations.

3. We are unable to agree with the contention of the learned counsel. In the OM dated 18.7.2001 the respondents themselves have, for whatever reasons they may have, asked the applicant to make a fresh representation giving complete facts for their consideration. In this view of the matter, it appears that the respondents themselves are not very sure as to what stand is to be taken with regard to the applicant's case regarding in-situ promotion in accordance with the relevant rules and instructions for which they have asked the applicant to submit a detailed/fresh representation.

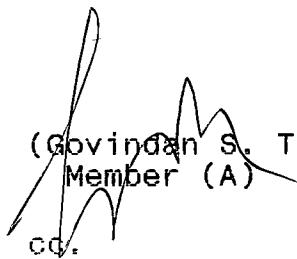
4. Noting the above facts and circumstances, the OA is disposed of with a direction to the applicant to submit a detailed/fresh representation as requested by the respondents by their OM dated 18.7.2001 within one month from the date of receipt of a copy of this order. On receipt of the same, the respondents shall examine the same in accordance

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with the relevant rules and instructions and pass a detailed speaking order within two months thereafter. No order as to costs.


(Govindan S. Tampi)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)