

14

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA-906/99

New Delhi this the 22nd day of January, 2001.

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)  
Hon'ble Dr. A. Vedavalli, Member(J).

1. Sh. Baljit Singh,  
S/o Sh. Hoshyar Singh,  
R/o Vill. Majra Dabas,  
Delhi-81.
2. Sh. Narender Kumar,  
S/o Sh. Gopi Chand,  
R/o A-10/6, DDUH Rani Complex,  
Hari Nagar, New Delhi-64.
3. Sh. Sewa Dass,  
S/o Sh. Kali Ram,  
R/o A-7/6, DDUH Complex,  
Hari Nagar, New Delhi-64.
4. Sh. Narinder Kumar Sharma,  
S/o Sh. T.C. Sharma,  
R/o A-8/6, DDU Hospital Complex,  
Hari Nagar, New Delhi-64.
5. Sh. Anil Kumar,  
S/o Sh. Amar Nath,  
R/o A-8/5, DDUH Complex,  
Hari Nagar, New Delhi-64.
6. Sh. Harbir Singh,  
S/o Sh. Bhanwar Singh,  
R/o A-17/1, DDUH Complex,  
Hari Nagar, New Delhi-64.
7. Sh. Santosh Kumari,  
W/o Sh. Shri Om,  
R/o Vill. Kakrola, H.No.221,  
New Delhi-43. .... Applicants

(through Sh. U. Srivastava, Advocate)

Versus

1. Govt. of NCT, through  
the Secretary,  
Govt. of NCT Delhi,  
5, Shyam Nath Marg,  
New Delhi.
2. The P.H.C. cum Jt. Secy.(M),  
J.L. Nehru Marg,  
New Delhi-2.
3. The Medical Superintendent,  
DDU Hospital,  
Hari Nagar, .... Respondents  
New Delhi.

(through Sh. Vijay Pandita, Advocate)

ORDER (ORAL)  
Hon'ble Sh. S.R. Adige, Vice-Chairman(A)

Applicants seek a direction to amend the recruitment rules for the post of OT Asstt./N.S.SD Asstt. such that Dressers are included for promotion, and thereafter to consider the case of applicants for promotion to the post of OT/NSSD Asstts.

2. Hon'ble Supreme Court in the case of Mallikarjuna Rao and Ors. Vs. State of Andhra Pradesh and Ors. (1990(2)SCC 707) has held that Court/Tribunal cannot direct Government to <sup>frame</sup> statutory rules or amend existing statutory rules under Article 309 in a specific manner.

3. Under the circumstances, we are unable to grant the relief prayed for by applicants. However, in the event that applicants make a representation to respondents, if not already made, it will be open to them <sup>latter</sup> to consider the same, in accordance with rules and instructions on the subject.

4. The O.A. stands disposed of accordingly. No costs.

A. Vedavalli

(Dr. A. Vedavalli)  
Member(J)

S. R. Adige  
(S. R. Adige)  
Vice-Chairman(A)