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Central Administrative Tribunal
Principal Bench

O.A.No.1118/98

Hon'ble Mr. Justice K.M.Agarwal, Chairman
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the ~~5th~~ day of June, 1998

Mana Masih
s/o Shri Mehngo Masih
aged about 37 years
r/o S-703
New Nurses Hostel
Safdarjung Hospital
New Delhi.

... Applicant

(By Shri B.B.Raval, Advocate)

Vs.

1. Union of India through
The Secretary (Health)
Ministry of Health and Family Welfare
Govt. of India
Nirman Bhawan
New Delhi - 110 001.

2. The Medical Superintendent
Safdarjung Hospital
New Delhi - 110 029.

3. Smt. R.K.Tuli
then Working as Nursing Sister
Now working as Nursing Superintendent
Kalawati Saran Hospital
New Delhi.

... Respondents

O R D E R

Hon'ble Shri R.K.Ahooja, Member(A)

We have heard Shri B.B.Raval, learned counsel for
the applicant on admission.

2. The applicant who has been working as Nursing Sister since 26.10.1993 seeks promotion to the post of Nursing Superintendent, Safdarjung Hospital. His case is that one Mrs. O.P.Sethi who was Deputy Nursing Superintendent in Kalawati Saran Hospital was brought on deputation w.e.f. 12.01.1995 as Nursing Superintendent, Safdarjung Hospital. Mrs. Sethi has since been given regular promotion as Nursing Superintendent of Kaiawati

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Saran Hospital but continues to work at Safdarjung Hospital. On the other hand, Respondent No.3 who is in the substantive rank of Nursing Sister is holding the post of Nursing Superintendent, Kalawati Saran Hospital. The applicant submits that since he has now acquired the necessary qualifications, he should be considered for promotion as Nursing Superintendent, Safdarjung Hospital by reverting Mrs. Sethi to her original post of Nursing Superintendent, Kalawati Saran Hospital.

3. According to the Recruitment Rules at Annexure - A, one of the qualifications for promotees is five years regular service in the post in the scale of Rs.1640-2900 or equivalent. The applicant himself admits that he does not have this qualification which he will attain only on completion of five years in the rank of Nursing Sister on 26.10.1998. It has been urged however that relaxation of this qualification is possible and permissible under various instructions of Government of India. The applicant claims that he belongs to Scheduled Caste category. However the post of Nursing Superintendent, Safdarjung Hospital is not a reserved one.

4. In view of the above position, we find that the present OA is premature. The applicant still wants a few months to get the requisite experience in the feeder post. It is not the contention of the applicant that Government has given relaxation to someone else and denied the same to the applicant. Under these circumstances, no direction can be given to the respondents to grant relaxation in the minimum eligibility qualifications laid down for the post of Nursing Superintendent.

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5. In the result the OA is dismissed as being premature. However, liberty is granted to the applicant to re-agitate the matter in a fresh OA if the respondents do not consider him for the promotion post after he attains the requisite qualifications, if otherwise found eligible.

For

(K.M.Agarwal)
Chairman

R.K.Ahooja —

(R.K.Ahooja)
Member(A)

/rao/