

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 2313/1995

New Delhi this the 21st day of May, 1996.

HON'BLE SHRI JUSTICE A. P. RAVANI, CHAIRMAN  
HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

Dr. H. C. Bansal S/O Shri  
P. L. Bansal,  
R/O A-2521 Netaji Nagar,  
New Delhi.

... Applicant

( By Shri S. S. Tiwari, Advocate )

-Versus-

1. Union of India through  
Secretary, Ministry of  
Health, Nirman Bhawan,  
New Delhi.
2. Director General Health  
Services, Ministry of  
Health, Govt. of India,  
Nirman Bhawan,  
New Delhi.
3. Director, C.G.H.S.,  
Nirman Bhawan,  
New Delhi.

... Respondents

( By Shri M. K. Gupta, Advocate )

O R D E R (ORAL)

Shri Justice A. P. Ravani —

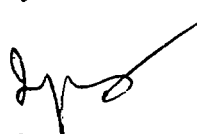
The applicant is a Homeopathic Doctor. He was granted study leave some time in 1987 for Post Graduate Studies in All India Institute of Hygiene and Public Health at Calcutta. He has claimed P.G. allowance on the basis of P.G. Diploma acquired by him from the aforesaid institute at Calcutta. The respondents have denied the same on the ground that D.H.E. degree awarded by the Calcutta University is not recognised by the Medical Council of India for purposes of Indian Medical Council Act, 1956. This is clearly stated in the order dated November 4, 1992.

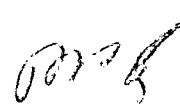


(Annexure-D to the reply). The applicant has challenged the legality and validity of this order and has also challenged the factum of denying book allowance to him.

2. The applicant has not been able to point out <sup>material to show</sup> anything that the D.H.E. degree awarded by the Calcutta University is recognised by the Medical Council of India for purposes of Indian Medical Council Act, 1956. Therefore, on this short ground alone, the application is liable to be rejected. The contention that other two Doctors who are similarly situated like the applicant, have been granted the benefit of P.G. allowance while the applicant is wrongly denied the same cannot be accepted. We notice that no such <sup>averments are made</sup> particulars are ~~given~~ in the O.A.; mere statement is made at the Bar. In the absence of any particulars in the O.A. the other side cannot be called upon to answer the same. Even if it is assumed for a moment that some benefit has been wrongly conferred upon any person, that does not create any right in the applicant to claim such wrongful benefit. Equality before law does not mean equality in gaining the wrongful benefits.

3. There is no substance in the application. Hence, dismissed.

  
( K. Muthukumar )  
Member (A)

  
( A. P. Ravani )  
Chairman

/as/