

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No.  
T.A. No.

2321/94

199

(27)

DATE OF DECISION 04/03/97

<u>Non-Medical Scientists &amp; Ors</u>	Petitioner
<u>Shri B. B. Raval</u>	Advocate for the Petitioner(s)
Versus	
<u>U.O.I. &amp; Ors</u>	Respondent
<u>Sh. M. M. Sudan and Sh. V. S. R. Krishna</u>	Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. Lakshmi Swaminathan, Member (J)

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

1. To be referred to the Reporter or not? *yes*
2. Whether it needs to be circulated to other Benches of the Tribunal? *X*

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)

Central Administrative Tribunal  
Principal Bench

O.A. 2321/94

New Delhi this the 4<sup>th</sup> day of March, 1997

Hon'ble Mrs. Lakshmi Swaminathan, Member(J).

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

1. Non-Medical Scientists,  
Group 'B' & 'C' Forum,  
National Institute of  
Communicable Diseases,  
N.I.D.C. Delhi through  
its President:

P.K. Ralhan,  
S/o Shri D.V. Ralhan,  
R/o 30, S.F.S.,  
Gautam Nagar,  
New Delhi.

2. Shyam Sunder Grover,  
S/o Shri H.L. Grover,  
R/o 13/56, Punjabi Bagh,  
New Delhi.

... Applicants.

By Advocate Shri B.B. Raval.

Versus

1. Union of India through  
The Secretary,  
Government of India,  
Ministry of Health and Family  
Welfare, Nirman Bhawan,  
New Delhi.

2. The Director-General of  
Health Services,  
Government of India,  
Ministry of Health and  
Family Welfare,  
Nirman Bhawan,  
New Delhi.

3. The Director,  
National Institute of  
Communicable Diseases,  
22, Shyam Nath Marg,  
Delhi.

4. Dr.(Mrs.) Ranjana Anand,  
C/o Respondent No. 2

... Respondents.

By Advocate Shri M.M. Sudan - for Respondents 1-3.

By Advocate Shri V.S.R. Krishna, - for Respondent 4.

O R D E R

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

In this application, the applicants have sought the following  
reliefs:

29

- (i) To direct the respondents to fill up these posts of Assistant Research Officer at the earliest strictly adhering to the provisions in the Recruitment Rules by holding D.P.C. at the earliest;
- (ii) Consequent to relief at (i) as above, direct the respondents to promote the eligible/selected officers for the post of Assistant Research Officer from the date that these posts were sanctioned/revived and pay them salary and allowances from that date with arrears of the same to be paid with 18% interest till realisation; and
- (iii) to award exemplary costs and any other reliefs, as deemed fit.

2. In this application, the applicants have also made certain allegations that for some extraneous considerations, the respondents are proposing to fill up one of the posts of Assistant Research Officers by offering the post directly to an <sup>13/</sup>ineligible candidate, namely, Respondent 4. They have submitted that if Respondent 4 is appointed to the post of Assistant Research Officer, it would be against the rules, as according to them, she is not an eligible person to be appointed to that post.

3. The respondents have filed their reply and we have also heard Shri M.M. Sudan, learned counsel, on behalf of the official respondents and Shri V.S.R. Krishna, learned counsel, for Respondent 4.

4. The respondents 1-2 in their reply have referred to the order of the Supreme Court in Writ Petition Nos. 5856-57 of 1985 dated 8.4.1987 directing the respondents to prepare a scheme for the absorption of 72 petitioners. By the order dated 14.8.1987, the Court had further noted the assurance given by the respondents that the petitioners will be absorbed in suitable posts and it was further directed that the petitioners will be entitled to continue from the date of their initial appointment. A further direction was given by the Supreme Court on 18.7.1991 that the benefit of the Court's order which was made available to 72 persons shall now be extended to these

18/

30

three persons, namely, Dr. (Ms.) Madhu Malik, Dr. (Ms.) Ranjana Anand and Mr. Joginder.

5. The respondents have submitted that considering her educational qualifications and in compliance with the above directions of the Supreme Court, they undertook an exercise to locate a suitable vacant post. In the meantime, in the wake of the UPSC's advertisement dated 8.8.1992 for two posts of Deputy Assistant Director (Bio-Chemistry) in National Institute of Communicable Diseases (NICD), Respondent 4 had filed a petition in the Tribunal which was disposed of with a direction to the respondents to consider the case of the employee for absorbing her in a suitable post in accordance with the directions issued in I.A. No. 3 and 4 of 1990 in CWP No. 5856-57 of 1985 dated 14.8.1987. Thereafter, in pursuance of the directions of the Supreme Court and of this Tribunal, the respondents have issued the appointment order dated 22.11.1994 appointing her to the post of Assistant Research Officer in NICD taking into account her educational qualifications. They have denied the fact that there were any extraneous considerations in appointing her, <sup>and have stated that</sup> ~~as~~ it has been done in furtherance of the aforesaid judgements.

6. In the reply of Respondent 4, it is also similarly stated that her <sup>made</sup> appointment has been ~~/~~in pursuance of the directions of the Supreme Court and of the Tribunal and nothing else. Shri V.S.R. Krishna, learned counsel, has also, therefore, submitted that heavy costs may be awarded in favour of Respondent 4 as the application is without any merit and makes baseless allegations against the answering respondents.

7. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

8. It is seen from the application that there are at least 7 sanctioned posts of Assistant Research Officers in the NICD. The impugned

18.

*18/* action and

order dated 22.11.1994 appointing Respondent 4 to one of the <sup>31</sup>vacant posts of Assistant Research Officers in NICD in relaxation of normal process of appointment has been made in pursuance of the directions of the Supreme Court <sup>18/</sup>~~orders~~ and the orders of the Tribunal in C.W.P. Nos. 5856-57 of 1985 and O.A. No. 2911/92, respectively. The applicants have on the other hand made <sup>baseless 18/</sup>allegations that due to some extraneous considerations, the respondents were proposing to fill up one of the posts of Assistant Research Officers by offering the post directly to an <sup>18/</sup>ineligible candidate, i.e. Respondent 4. Shri B.B. Raval, learned counsel for the applicants, has also made <sup>unsubstantiated 18/</sup>submissions that this has been done only because Respondent 4 has a God father among the official respondents which has, however, been denied by the respondents. From the pleadings and the materials on record, we are fully satisfied that the action taken by Respondents 1-3 by way of appointing Respondent 4 to one of the vacant posts of Assistant Research Officers has been done in pursuance of the directions of the Courts and not for any extraneous or devious considerations, as alleged by the applicants. Further, we have no reason to believe that the respondents will not take necessary action for filling up the posts of Assistant Research Officers strictly in accordance with the provisions of the Recruitment Rules, as prayed for by the applicants and do not think that any such directions are required to be given at this stage.

5. In the result, as we find no merit in this application, it is accordingly dismissed. In the facts and circumstances of the case, we think it proper to award costs of Rs.1000/- (Rupees one thousand) against the applicants and in favour of the respondents, namely, <sup>(Rupees Five hundred) 18/</sup>Rs.500/- in favour of Respondent 1 which shall be paid to the Law Library of the Bar Association of Central Administrative Tribunal, New Delhi and <sup>the</sup> <sup>(Rupees Five hundred) 18/</sup>Rs.500/- in favour of Respondent 4.

*R.K. Abooja*  
(R.K. Abooja)  
Member(A)

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member(J)

'SRD'