

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

(3)

O.A. No. 2372/1994

New Delhi, dated the 3th December, 994

CORAM

Hon'ble Shri N.V. Krishnan, Vice Chairman (A)

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

Dr N.P. Bansal,

R/o D-II/52, West Kidwai Nagar,
New Delhi.

... applicant

(By Advocate Shri L.K. Singh)

V/s

1. Union of India through its Secy.
Ministry of Health, Nirman Bhawan,
New Delhi.
2. Union Public Service Commission,
through its Secretary,
Dholpur House, Shahjahan Road,
New Delhi
3. Director General Health Services,
Nirman Bhawan, New Delhi.

... Respondents

ORDER (ORAL)

(Hon'ble Shri N.V. Krishnan, Vice Chairman (A))

We heard him on the last occasion. We had a
doubt as to how this application can be admitted. The
applicant has now filed M.A. 3923/94 alongwith affidavit.

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(A)

2. The grievance of the applicant is as follows:-

2.1 A tentative and provisional eligibility list of officers who would be eligible for consideration for promotion to the post of Addl. Director General (Health Services) was issued on 26.8.94 (Ann.A.3) inviting objections. The applicant sent his representation on 15.9.94 (Ann.A.4) That has still not been disposed of.

2.2. In the meanwhile, the applicant understands that a D.P.C. is to be held sometime in December for considering the case of eligible persons for promotion to the rank of Addl. Director General.

2.3. In the circumstances, the main prayer is that a direction be issued to the respondents to dispose of the representation/objections made by the applicant vide his letter dated 15.9.94 and 21.9.94 in respect of the eligibility list, before constituting and holding the D.P.C. The other prayers are that the eligibility list be quashed, that seniority list be finalised before holding the D.P.C., the CRs be completed and the DPC be directed to fill up the posts of Addl. Director General in such a way. That one post at least is held by teaching and non teaching staff as required by Rule 8(4) of the C.H.S. Rules

(5)

3. On the last occasion, we felt there was no foundation laid whatsoever, for the applicant to apprehend that the respondents would take, any action contrary to the provisions of law. Learned counsel for the applicant then took time. An affidavit has now been filed alongwith a MA. The MA is allowed.

4. We have seen that affidavit. That does not advance the case any further. There is no basis for the apprehension that the DPC that may be held in December, 1994 would either act upon the eligibility list which is a provisional one, issued in August, 1994, without disposing of the objection raised by this application or that it would take any action contrary to law.

5. In the circumstances, we find that the grievances are imaginary and the OA is premature. Hence, it is dismissed.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member (J)

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(N.V. Krishnan)

Vice Chairman (A)