O. A. No. 637 of 1994.

New Delhi, this the 7th day of October, 1994.

HON'BLE MR JUSTICE S. K. DHAON, VICE CHAIRMAN
HON'BLE MR B. N. DHOUNDIYAL, MEMBER(A)

Shri Jasod Singh,
Medical Record Assistant,
Dr. Ram Manohar Lohia Hospital,
New Delhi.   ....   Applicant.
  (through Mr J. P; Singh, Advocate).

vs.

1.   Union of India through its
        Secretary,
        Ministry of Health,
        Nirman Bhawan,
        New Delhi.

2.   Medical Superintendent,
        Dr. R. M. L. Hospital, New Delhi.

3.   Dy. Medical Superintendent,
        (Head of Department),
        Medical Records Station,
        Dr. R. M. L. Hospital, New Delhi.

4.   The Chief Administrative Officer,
        Dr. R. M. L. Hospital,
        New Delhi.

5.   Shri S. K. Choudhry,
        Medical Records Technicians,
        Dr. R. M. L. Hospital,
        New Delhi.

                    .. ..   Respondents.

  (through Mr K. C. Sharma, for respondents
    No. 1 to 4 and
        Mr M. K. Gupta, for respondent No. 5).

                    O R D E R

HON'BLE MR B. N. DHOUNDIYAL, MEMBER(A)

        The applicant challenges the impugned
order dated 16.03.1994 whereby the Chief Administrative
Officer, Ram Manohar Lohia Hospital has issued
promotion orders for Shri S. K. Choudhry (Respondent No.5)

as Medical Records Technicians w.e.f.8th April, 1985.
The main contention of the applicant is that
Shri Choudhry does not fulfil the qualifications
required for the feeder post of Medical Record
Assistant. He has prayed for quashing the
impugned order dated 16.03.1994, directing the
respondents to prepare seniority list of eligible
Medical Records Assistant as per rules notified
on 10th December, 1985 and promote the applicant to
the post of Medical Records Technicians w.e.f.8.04.1985.

2.   We have heard the learned counsel for the
parties and perused the records. It is clear
from the seniority list of Medical Records Assistants,
circulated on 14.09.1984 that the date of
appointment of Shri S.K.Chaudhary(respondent No.5) as
Medical Records Assistant is 7.06.1972 and he
has been shown as regularly appointed to that post.
He is also shown senior to the applicant by four
places and the date of appointment of the applicant
to the post is shown as 23.03.1977. His appointment
is also shown as adhoc. It is not the case of
the applicant that he had ever challenged the seniority
list on the ground taken by him in the present O.A.
He now says for the medical record Assistant
notified on 10th December, 1985, provided for
the following essential qualifications:

> "(i) Matriculation with a certificate
>   of Medical Record Technician Training
>   and
>
> (ii) Should have typing with a speed of
>   30 words per minute."

His contention is that Shri Choudhry failed to
clear the medical records technicians training test,
as such he could not be considered for the post of
Medical Records Technicians. There is a considerable

substance in the contention of the respondents that
these qualifications were laid down in the notification
circulated on 10.12.1985 whereas respondent
No.5 has been appointed much earlier on 7.06.1372. Once
it is held that Shri Choudhry was treated as regular,
he was eligible to be considered for the post of
Medical Records Technician. The Rules for the post
of Medical Records Technicians have been circulated
on 8.04.1986. The post is to be filled up by
promotion from Medical Records Assistant with 5 years
regular service in the grade. No other condition
relating to passing of any training etc. has been
prescribed.

3.   Shri Choudhry had come to this Tribunal
in O.A. No.1431/87, which was decided on 8.2.1993.
A specific direction was given by this Tribunal for
promoting the applicant to the cadre of MRTs after
considering him with effect from the date on which the
rules came into force in accordance with separate
seniority of MRAs and in accordance with the said
rules. A D.P.C. Meeting was held for implementation
of the directions of this Tribunal and Shri Choudhry
was appointed on its recommendations with effect
from 8.04.1986.

4.   In view of the aforementioned considerations,
we find no merit in this O.A., which is hereby
dismissed. Costs on parties.

        B.N.Dhoundiyal
        (B. N. Dhoundiyal)   (S. K. Dhaon)
          Member(A)   Vice Chairman.

/sds/