

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P.160/99 in
O.A.1648/96

18

New Delhi this the 16th day of November, 1999.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VC(J)

HON'BLE SMT. SHANTA SHASTRY, M(A).

1. Mr. Kamlesh Gupta and Drs.
E-120, Amar Colony,
Lajpat Nagar-IV
New Delhi-110024.

2. Sh. George Mathew
147, Raj Nagar,
New Delhi-110029.

.... Applicants

(By Advocate Sh. George Parackin)

Versus

1. Sh. R. N. Baishya
Jt. Director (Admn)
Directorate of Health Services
Govt. of NCT of Delhi
E-Block, Saraswati Bhavan
New Delhi-110001.

2. Sh. K. S. Singh
PHC-Cum-Jt. Director (M)
Govt. of NCT of Delhi
1, J. I. Nehru Marg
New Delhi.

.... Respondents

(By Advocate Sh. Rajinder Pandita)

ORDER (Oral)

By Reddy, J-

Heard the learned counsel for the applicants
and the learned counsel for the respondents.

2. The direction in the order passed in the OA
out of which this contempt petition arises is as
follows:

"In the above facts and circumstances of the
case this OA succeeds and is allowed with the
following directions:-

Respondents 1-2 to obtain necessary
documents pertaining to the services of the
applicants and place the same before the DPC
for consideration for regularisation of their

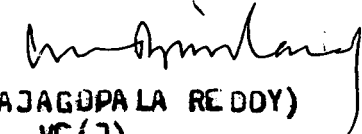
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ad hoc services as has been done in the order dated 27.9.95 within two months from the date of receipt of a copy of this orders. If the applicants are found eligible for such regularisation, they shall be entitled to the consequential benefits, including promotion to the post of Lab. Technicians in accordance with the relevant rules/instructions from the date their juniors were so entitled to."

3. In the counter reply it is stated that the DPC having considered the case of the applicants for regularising the services, also promoted one of the applicants to the post of Lab. Technician. However, in the case of Shri George Mathew it was stated that the DPC have not recommended his case for promotion as he does not fulfil all the conditions in accordance with the Recruitment Rules for promotion to the post of Lab. Technician. It cannot be said that the respondents should have promoted the applicant. We are of the view that the direction given by the Tribunal was fully complied with. Learned counsel for the petitioners submits that the applicant was wrongly deprived of his promotion though he was eligible as per the rules.

4. We are not going into merits of the matter since the order in the OA was only in the nature of direction to consider the case of the applicants by the DPC for promotion. It is open to the applicant to challenge the order in separate original proceedings. C.P. disposed of. Notice issued discharged.


(SMT. SHANTA SHASTRY)
M(A)


(V. RAJAGOPALA REDDY)
VC(J)

RB.