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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH N/DELHI

O.A. No. 1016/1988

New Delhi this the 2th Day of December, 1993

The Hon'ble Member Sh. B. N. Dhoundiyal, M(A)

The Hon'ble Member Sh. B. S. Hegde, Member (J)

1. Sh. Khem Singh
S/o Sh. Kishan Singh
A-23/2 Mandawali Fazalpur,
Shakarpur, Delhi
2. Sh. Rajender Prasad,
S/o Sh. Ram Singh
Vill. Sultanpur Debas
P.O. Puth Khurad,
New Delhi
3. Sh. Ramesh Chand
S/o Sh. Manohar Lal
Village Naraina, New Delhi-28
4. Sh. Ram Singh
S/o Late Sh. Udmi Ram
I-420, Sewa Nagar,
New Delhi

... Applicants

(By Advocate Sh. K. L. Bhatia)

Versus

1. Union of India through
Director General of Health
Services, Nirman Bhawan,
New Delhi
2. The Medical Supdt. Dr. Ram
Manohar Lohia Hospital,
New Delhi

... Respondents

(By Advocate Sh. P. P. Khurana)

ORDER (ORAL)

(Hon'ble Sh. B. N. Dhoundiyal, Member (A))

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The applicants are holding substantive post of Dark Room Assistant in Dr. Ram Manohar Lohia Hospital, New Delhi. They were promoted vide order dated 9.2.83 from the post of Dark Room Assistant to Junior Radiographers initially for a short period with effect from 2.2.1983 which was extended from time to time till 31-3-1988 or till regular candidates became available through Employment Exchange. According to the applicants, ^{BW} that the posts of Junior Radiographers has mostly been filled by promotion from amongst the Dark Room Assistant and they have enclosed a statement showing how in the past D.R. Assistant were promoted as Junior Radiographer. They have taken objection to recruitment of candidates from the open market while ignoring their claim for regularisation. They have prayed that they be deemed to have been appointed on regular basis from the date of their initial appointment i.e. 2.2.1983, that they may not be reverted from the post of Jr. Radiographers and that respondents be restrained from making recruitment to these posts through Local Employment Exchange.

2. In the counter filed by the respondents, it is stated that the post of Junior Radiographer is required to be filled up 100% by direct recruitment from the

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candidates possessing Matriculation or equivalent qualification from recognised Board and Diploma or certificate in Radiography from a recognised Institute as per notified recruitment rules. The post of Dark Room Assistant is not in feeder category for appointment/promotional to the post of Junior Radiographer as per notified recruitment rules.

3. Heard the learned counsel for both the parties.

A perusal of the rules shows that the post of Junior Radiographer is to be filled by Direct Recruitment.

Learned counsel for the respondents has clarified that

in the past, Dark Room Assistants eligible for appearing

in the selection and whose who were successful, have

been appointed as Junior Radiographers. It is clear that

rule did not provide any promotion to the post of

Junior Radiographer from the post of Dark Room Assistant.

Applicants cannot claim regularisation as Junior

Radiographer de hors rules. However, in this case,

applicant have been officiating as Junior Radiographer

for a long time and it would be in the interest of

justice, if they are given at least two chances to be

considered for direct recruitment relaxing the age limit,

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on as regular basis.

4. The application, is therefore, disposed of with a direction to the respondents to permit the applicants to appear for the direct selection as and when it is held, irrespective of their age. There will be no order as to costs.

[Signature]
(B.S. Hegde)
Member(J)

[Signature]
(B.N.Dhondiyal)
Member(A)

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