

**Central Administrative Tribunal
Principal Bench**

**OA No.1177/2020
MA No.1450/2020**

New Delhi, this the 31st day of August, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Neetu Sharma
W/o Anish Sharma,
R/o 606, Godrej Apartment,
Plot No. 14, Sec-10, Dwarka,
New Dehi-07.
Age 36 years
Mobile: 9540722755
Working as Medical Lab Technologists.
2. Geetanjali Negi
W/o Pradeep Singh Negi,
R/o L1/294 B, DDA Flats,
Kalkaji, New Delhi-19.
Age 39 years
Mobile: 8826874014
Working as Medical Lab Technologists.
3. Shamsun Nisa Poddar
W/o Neeraj Kumar,,
R/o J-821, Mandir Marg,
New Dehi-110001.
Age 36 years
Mobile: 9716511505
Working as Medical Lab Technologists.
4. Reena Rathi
W/o Parveen Kumar,
R/o H.No. 2242, IIrd Floor,
Lodhi Road Complex,
Lodhi Road, New Delhi-110003
Age 38 years
Mobile: 9990680871
Working as Medical Lab Technologists.
5. Karuna Chaula
W/o Ritesh Kumar,
R/o MU-24B, Pitampura,
New Delhi-110034.
Age 37 years
Mobile: 986862202
Working as Medical Lab Technologists.
6. Laxmi
W/o Kanak Rawat,
R/o D-131, Street No. 4,
Bhajanpura, New Delhi-110053.
Age 40 years
Mobile: 9868362747
Working as Medical Lab Technologists.

7. Lata
 W/o Bhushan Dhingra,
 R/o A-5/3, Sector 18, Rohini,
 New Delhi-110085.
 Age 40 years
 Mobile: 9650894047
 Working as Medical Lab Technologists.

8. Ravindra Kumar
 S/o Sh. Prem Chand,
 R/o A-3/354, East Gokul Pur,
 Loni Road, Shahdara
 Delhi-110094.
 Age 42 years
 Mobile: 9999991259
 Working as Medical Lab Technologists.

9. Amita Dubey
 W/o Vipin Kumar,
 R/o A-35, Street No. 1,
 North Chajju Pur,
 Shahadara,
 Delhi-110094.
 Age 37 years
 Mobile: 8826844992
 Working as Medical Lab Technologists.

10. Binni E. Claudies
 F/o Emmanuel Claudies,
 R/o Quarter No. 18P, Sector-4,
 D.I.Z. Area, Raja Bajar,
 New Delhi-110001.
 Age 37 years
 Mobile: 9871802879
 Working as Medical Lab Technologists.

11. Kiran Bala
 W/o Khavinder Singh,
 R/o C-9/259, Yamuna Vihar,
 Delhi-110053.
 Age 40 years
 Mobile: 9971626490
 Working as Medical Lab Technologists.

12. Ashima Sharma
 W/o Mukesh Kumar,
 R/o Block No. 93, House No.4,
 Sector-1, Pushp Vihar,
 Delhi-110017.
 Age 40 years
 Mobile: 9810554912
 Working as Medical Lab Technologists. ... Applicants.

(By Advocate : Mrs. Avnish Ahlawat)

Vs.

1. Union of India
Through Secretary (Health),
Ministry of Health & Family Welfare
Room No. 156 Wing A
Nirman Bhawan,
New Delhi
2. Medical Superintendent
Dr. Ram, Manohar Lohia Hospital
Baba Kharak Singh Marg
New Delhi-1. ...Respondents.

(By Advocate : Shri S. M. Zulfiqar Alam)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicants state that they approached this Tribunal by filing OA No.2521/2012, when they were denied the promotions to the post of Medical Lab Technologist, and that the OA was disposed of with certain directions. It is also stated that CP No.545/2014 was filed when the directions issued by this Tribunal were not implemented. According to the applicants, the respondents issued office orders dated 17.07.2015 and 10.11.2016 leading to their promotion to the post.

2. The grievance of the applicants is that though a set of Recruitment Rules (RR) was proposed in compliance with the directions issued in CP No.545/2014, the finality was not attached to it, and on the other hand, the respondents are coming forward with another set of Recruitment Rules for the year 2019, virtually undoing the benefits that accrue to them.

3. In this background, they filed this OA with a relief that

- (a) to direct the respondents to finalise the proposed Recruitment Rules contained in draft dated 27.08.2018 and;
- (b) to quash the proposed recruitment rules of 2019.

4. We heard Mrs. Avnish Ahlawat, learned counsel for the applicants and Shri S. M. Zulfiqar Alam, learned counsel for the respondents.

5. The applicants filed an OA seeking certain benefits in their service, and ultimately the benefit was extended to them through an office order dated 10.11.2016. It is also stated that there was a proposal for framing of Recruitment Rules in conformity with the directions issued in the OA. Though, a specific direction is sought for framing of rules in terms of the draft, we feel it a bit difficult to accept such prayer. It is for the respondents to frame the RRs. The Tribunal cannot dictate the contents thereof. In case there exists a time frame fixed by the Tribunal for preparation of such rules, the same needs to be adhered to.

6. The 2nd prayer in the OA is untenable. The reason is that the applicants can be said to have suffered any grievance if only the rule, when framed, is adverse to their interest. The question of the Tribunal interfering with the draft RRs does not arise.

7. We, therefore, dispose of the OA declining to interfere with the proposed draft RR. However, we make it clear that in case the respondents frame any rules or pass any orders adversely affecting the interest of the applicants, it shall be open for them to approach the Tribunal. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

Ankit/sd