



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.852/2020
M.A. No.1060/2020
M.A. No.1061/2020
M.A. No.1033/2020
M.A. No.1871/2020

This the 6th day of October, 2020

(Through Video Conferencing)

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

Dr. Ashok Sharma
Director/Professor Radiology
s/o Sh. Munshi Ram Sharma
aged about 60 years
working and posted at
G B Pant Institute of Post Graduate Medical Education,
And Research & Maulana Azad Medical College
1, J L Nehru, New Delhi – 110 002

r/o C-10 Kendriya Vihar, Sector 51
Noida, Gautam Budh Nagar
Uttar Pradesh - 201307

...Applicant

(By Advocate: Mr. Rajeshwar Singh)

VERSUS

1. Government of National Capital Territory of Delhi
Through its Chief Secretary
Delhi Secretariat, Player Building
IP Estate, New Delhi
2. The Principal Secretary
Health and Family Welfare Department
Govt. of National Capital Territory of Delhi
5th Level, A Wing, Delhi Secretariat
Player Building, IP Estate, New Delhi
3. Union of India
Through its Secretary of Health
Govt. of India, Ministry of H & FW
CHS-III, Nirman Bhawan, New Delhi



4. G B Pant Institute of Post Graduate Medical Education, And Research, New Delhi Through its Medical Director Govt. of NCT of Delhi, 1 J L Nehru New Delhi – 110 002
5. Dr. Anil Agarwal
Director/Professor and Head (G I Surgery)
G B Pant Institute of Post Graduate Medical Education and Research,
1, J L Nehru, New Delhi – 110 002

...Respondents

(By Advocates: Ms. Esha Mazumdar for respondent Nos. 1, 2, 4 & 5 and Mr. Gyanendra Singh for respondent No.3)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant is working as Director Professor in the Department of Radiology in G.B. Pant Institute of Post Graduate Medical Education and Research. He was also assigned positions in the said hospital and Dr. Maulana Azad Medical College. Through an order dated 03.05.2020, Health & Family Welfare Department, Govt. of NCT of Delhi, designated one Dr. Anil Agarwal, the 5th respondent herein, as Medical Director, GIPMER along with additional charge of Director-Principal, Dr. BSA Medical College. This O.A. is filed challenging the order dated 03.05.2020.

2. The applicant contends that he is senior to respondent No.5 and despite that, the 5th respondent was chosen for the post of Medical Director. Various other contentions are also urged.



3. The O.A. is contested by the respondents. In their separate replies, it is stated that there is no independent post of Medical Director, much less it is a promotional avenue for any post. According to them, the post of Director of G.B. Pant Hospital is under the Central Health Service and the appointing authority is the Central Government, whereas the one of Medical Director is purely an administrative arrangement to ensure the smooth functioning of the hospital. It is also stated that the designation of any Director Professor as Medical Director does not involve any promotion or conferment of additional benefits, and that he is not conferred with any administrative powers as such. The applicant filed the rejoinder contradicting the plea of the respondents.

4. We heard Sri Rajeshwar Singh, learned counsel for applicant, Ms. Esha Mazumdar, learned counsel for respondent Nos. 1, 2, 4 & 5 and Sri Gyanendra Singh, learned counsel for respondent No.3, at length, through video conferencing.

5. The challenge in this O.A. is to an order dated 03.05.2020, in which one Dr. Anil Agarwal, the 5th respondent herein, is designated as Medical Director, GIPMER along with additional charge of Director-Principal, Dr. BSA Medical College. The applicant as well as 5th respondent are holding the post of Director Professor, maybe in different fields. There exists a post of Director Medical, under the Recruitment Rules. The appointment to that post is by way of selection from the eligible Director Professors. The post carries emoluments and the



administrative powers, including the one of writing the ACRs of the subordinates.

6. The Govt. of NCT of Delhi has created the position, which is termed as Medical Director, only for the purpose of ensuring proper functioning and smooth activities in the hospital. The post does not carry with it, any additional emoluments or administrative powers. Obviously for that reason, no Rules are framed for the purpose of designating or naming a Director Professor for that position. The applicant did not invite our attention to any specific rule dealing with creation of post of Medical Director or the procedure to be followed. We can certainly, require the respondents to follow the seniority or to undertake the selection, had it been a case where the position carries any higher emoluments or administrative powers. Nothing of that sort exists here. Mere designation of one of the Director Professors to ensure proper functioning of the hospital, cannot be said to be violative of any provision.

7. We do not find any merit in this O.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

October 6, 2020
/sunil/vb/sd