



**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 1654/2020

Today this the 29thday of October, 2020

Through video conferencing

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

Late Dr. Lakshman Das though Lrs,
Dr(Mrs) Shobha Das,
Aged about 71 yrs and
R/o 1104, Emperor-1, Emerald Court, Sec-93A,
Expressway, Noida, (UP) and late husband retd as HOD,
Neurosurgery from Safdarjung Hospital, M/o Health &
FW,
New Delhi.

..Applicant
(Mr. S. S. Tiwari, Advocate)

Versus

1. Secretary,
M/o Health & Family Welfare,
Nirman Bhawan, New Delhi.
2. Under Secretary,
CHS-IV Section,
M/o Health & Family Welfare,
Nirman Bhawan, New Delhi.
3. Medical Superintendent,
Safdarjung Hospital, New Delhi.
4. Dy. Director. Admn.
Office of Medical Superintendent,
Safdarjung Hospital,
New Delhi.

..Respondents

(Mr. Sanjeev Yadav, Advocate)

Order (Oral)



Justice L. Narasimha Reddy, Chairman

Dr. Lakshman Das, the husband of the applicant herein, was appointed as Specialist Grade-II in Neurosurgery in non teaching category in Central Health Scheme w.e.f. 04.02.1982.

He was on foreign assignment to Saudi Arabia from 10.06.1989 to 28.08.1994. Though he became eligible to be promoted to Specialist Grade-I by NFSG on 04.02.1990, he was denied that on account of his absence and was extended the benefit, as soon as he returned.

2. OA No. 3337/2002 was filed before this Tribunal claiming the benefit of promotion from 04.02.1990. The OA was allowed on 03.10.2003. It was directed that the applicant therein shall be extended the benefit of promotion to Specialist Grad-I from 04.02.1990, but the actual benefit shall be only from the date of his joining the service in India. The order was upheld by the Hon'ble High Court. Dr. Lakshman Das took voluntary retirement on 01.09.2004 and he is said to have passed away in the year 2018. Consequent upon the fixation of notional promotion from 04.02.1990, the respondents have also considered his case for promotion to SAG on notional basis from 28.07.2017, the date on which his immediate junior was promoted. The order in this behalf was passed on 15.07.2019. The same is challenged in this OA.



3. We heard Mr. S.S. Tiwari, learned counsel for the applicant and Mr. Sanjeev Yadav, learned counsel for the respondents.

4. The grievance of Dr. Lakshman Das was only as regards the delay in promotion to Specialist Grade-I. That was rectified by the Tribunal by directing that he shall be extended the notional promotion from 04.02.1990 and actual benefit from the date he joined the post in India. There was some delay in implementing the order passed by the Tribunal since the proceedings were pending before the Hon'ble High Court. The applicant, Dr. Lakshman Das voluntarily retired w.e.f. 01.09.2004. He never made a claim for promotion to SAG. It is on their own accord, that the respondents gave him the benefit w.e.f. the date on which his immediate junior was promoted. In a way, the applicant should be happy, the benefit of promotion albeit on notional basis was extended though it was not the subject matter of the OA. Learned counsel for the applicant is not able to point out any illegality or factual defect in the impugned order.

5. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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