

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00645/2020

Tuesday, this the 12th day of January, 2021

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member

Hon'ble Mr. K.V. Eapen, Administrative Member

Dr. R. Rajendran, aged 59 years, S/o. P.G. Ramachandran Nair,
Deputy director, B. Malayi Research Unit, National Centre for
Disease Control, Taluk Hospital Compound, Cherthala-688524,
Residing at Kadampattukonam, Parippally PO, Kollam District,
Kerala – 691 574, Phone – 9895915028.

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Applicant

(By Advocate – M/s. S. Sreekumar Associates)

V e r s u s

1. Union of India, represented by the Secretary,
Ministry of Health and Family Welfare, Nirman Bhawan,
Rajpath Area, Central Secretariat, New Delhi, Delhi – 110 001.
2. The Directorate General of Health Services, Ministry of Health
and Family Welfare, Nirman Bhawan, Rajpath Area,
Central Secretariat, New Delhi, Delhi – 110 001.
3. The Secretary, Department of Personnel and Training (DoP&T),
Ministry of Personnel, Public Grievances and Pension, North Block,
Central Secretariat, New Delhi – 110 001.
4. The Union Public Service Commission, represented by its
Secretary, Shajahan Road, New Delhi – 110 069.
5. The Director, National Centre for Disease Control,
22, Sham Nath Marg, New Delhi – 110 054.

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Respondents

**[By Advocates – Mr. Rathish H., ACGSC (R1-3 & 5) and
Mr. Thomas Mathew Nellimoottil (R4)]**

This Original Application having been heard on 12.01.2021, the
Tribunal on the same day delivered the following:

ORDER (Oral)

Per: Hon'ble Mr. P. Madhavan, Judicial Member -

Heard the learned counsel appearing for the parties.

2. The applicant is aggrieved by the inaction on the part of the respondents in not promoting him to S-IV rank with effect from 1.10.2013 and to S-V level w.e.f. 1.10.2016. He has filed this OA seeking the following relief:

“(i) Direct respondents 1 to 4 to promote the applicant to Scientist IV (S-IV) level with effect from 1.10.2013 within a time limit to be fixed by the Hon'ble Tribunal.

(ii) Consequently direct the respondents 1 to 4 to consider the applicant for promotion to Scientist V (S-V) level with effect from 1.10.2016 and pass orders before the superannuation of the applicant.

(iii) Issue such other appropriate direction or order this Tribunal may deem fit and order in the interest of justice.”

3. When the matter came up for consideration, learned counsel for the applicant submitted that the applicant has given a detailed representation as Annexure A-24 and even now it is still pending without any proper order. He will be satisfied if a considered order is passed on the said representation.

4. Learned counsel for the respondents has no objection in considering the representation and disposing of the matter within a time frame.

5. On going through the pleadings we find that as per Annexure A-14, the Department itself has recommended the case of the applicant for promotion to level S-IV, but the same has not yet been considered.

6. In view of the limited submission, the competent authority is directed to consider Annexure A-24 representation filed by the applicant within a period of two weeks from the date of receipt of a copy of this order by passing a reasoned and speaking order as the applicant is going to retire on 31st January, 2021.

7. The Original Application is disposed of in admission stage as above.

No order as to costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

“SA”

Original Application No.180/00645/2020

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| Annexure A-1 | - | True copy of appointment letter dtd. 12.10.1998. |
| Annexure A-2 | - | True copy of promotion letter dated 19.1.2012. |
| Annexure A-3 | - | True copy of covering letter dated 30.10.2015 of NCDC addressed to the 2 nd respondent. |
| Annexure A-4 | - | True copy of vigilance certificate dated 28.10.2015. |
| Annexure A-5 | - | True copy of integrity certificate dated nil. |
| Annexure A-6 | - | True copy of letter dated 12.7.2016 forwarded by the Administrative Officer, NCDC. |
| Annexure A-7 | - | True copy of applicant's letter dated 7.11.2018. |
| Annexure A-8 | - | True copy of letter dated 19.11.2018 addressed to the Director NCDC, Delhi. |
| Annexure A-9 | - | True copy of letter dated 27.11.2018 of the Administrative Officer, NCDC. |
| Annexure A-10 | - | True copy of letter dated 19.7.2019 of the NCDC. |
| Annexure A-11 | - | True copy of letter dated 18.11.2020 issued by the Section Officer of the 2 nd respondent. |
| Annexure A-12 | - | True copy of order dated 8.12.2017 of the Hon'ble Central Administrative Administrative Tribunal, Principal Bench, New Delhi. |
| Annexure A-13 | - | True copy of order of the 2 nd respondent dated 12.5.2020. |
| Annexure A-14 | - | True copy of letter dated 4.12.2020 addressed to the 2 nd respondent. |
| Annexure A-15 | - | True copy of covering letter of the 5 th respondent forwarding the ACR of the applicant for the year 2008-2009. |
| Annexure A-16 | - | True copy of covering letter of the 5 th respondent forwarding the ACR of the applicant for the year 2011-2012. |
| Annexure A-17 | - | True copy of covering letter of the 5 th respondent forwarding the ACR of the applicant for the year |

2012-2013.

- Annexure A-18 - True copy of covering letter of the 5th respondent forwarding the ACR of the applicant for the year 2013-2014.
- Annexure A-19 - True copy of covering letter of the 5th respondent forwarding the ACR of the applicant for the year 2014-2015.
- Annexure A-20 - True copy of representation of the applicant dated 29.5.2020 addressed to the 1st respondent.
- Annexure A-21 - True copy of letter dated 5.6.2020 issued by the applicant to the 4th respondent.
- Annexure A-22 - True copy of representation of the applicant dated 10.6.2020 addressed to the 1st respondent.
- Annexure A-23 - True copy of letter dated 16.6.2020 issued by the applicant to the 4th respondent.
- Annexure A-24 - True copy of reminder dated 15.7.2020 issued by the applicant to the Joint Secretary, Ministry of Health and Family Welfare, Government of India.

List of Annexures of the Respondents

None
