



**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.61/1002/2020

This the 26th day, Thursday of November, 2020

Hon'ble Mr. Rakesh Sagar Jain, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)

Dr. Babu Ram, Age 70 years,
S/o. Sh. Dheru Ram,
R/o. F-234, Raipur Satwari,
Jammu Cantonment, Jammu-180 003.

.....Applicant
(Ms. Manpreet Kour, Advocate)

Versus

1. Union of India through Secretary,
Ministry of Health & Family Welfare,
CHS-II, Nirman Bhawan, New Delhi-110 022;
2. Director General of Health Services,
Nirman Bhawan, New Delhi-110 011;
3. Director (CGHS),
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi-110 011;
4. Chief Controller of Accounts,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi-110 011.

..... Respondents
(Mr. Raghu Mehata , Sr. CGSC)

ORDER (ORAL)

Hon'ble Mr. Rakesh Sagar Jain, Member (J)

OA has been filed by applicant seeking the following relief:-

- “a. To issue directions to the respondents to grant and release the benefit of Non-Functional Upgradation i.e. Higher Administrative Grade in favour of the petitioner as has been released in favour of similarly situated persons and even juniors to the petitioner by issuance of writ of Mandamus;
- b. to issue directions to the respondents to grant and release the benefits of Non-Functional upgradation i.e. Higher Administrative Grade in favour of the petitioner in terms of clarification issued vide Office Memorandum No. A.45011/37/2017-CHS II (Pt.) dated 17.09.2018 by issuance of writ of Mandamus.
- c. to issue directions to the respondents to produce the whole record of the SAG Officers who have been given the benefit of non-functional upgradation i.e. Higher Administrative Grade in view of Government policy decision by issuance of writ of Mandamus;
- d. to declare the act of the respondents by which the respondents have not released the benefit of Non-Functional upgradation i.e. Higher Administrative Grade in favour of the petitioner as ultra-virus, unconstitutional, arbitrary, unjust and contrary to the provisions of law, provisions of Principles of Natural Justice and also contrary to the provisions of Article 14 and 16 of the Constitution by issuance of writ of Mandamus. ”

2. Heard Ms. Manpreet Kour, Learned Counsel for the applicant and Mr. Raghu Mehta, Learned Sr. CGSC.

3. During the course of hearing, learned counsel for the applicant submits that applicant has made several representations in respect of his grievance which have not been replied by the respondents. Finally, the applicant sent a legal notice dated 2.12.2019, which is annexed as Annexure A-10 of the OA, is also not replied.

4. Leaned counsel for the applicant further submits that applicant would be satisfied if the respondents are directed to treat the legal notice dated 2.12.2019 as a representation of the applicant and consider and dispose same by passing a reasoned and speaking order within a time bound manner.

5. OA is accordingly disposed of at admission stage by directing the respondents to treat the legal notice dated 2.12.2019 as representation of the applicant and consider and dispose of the same by passing a reasoned and speaking order within a period of one month from the date of receipt of copy of this order. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Rakesh Sagar Jain)
Member (J)

asvs