

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

R.A. No. 93 of 1996
in
O.A. No. 1431 of 1987

New Delhi, dated this the 28th MAY 1997

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HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Kuldeep Kumar,
Receptionist,
S/o Shri D.R. Kaundal,
WZ-990-B, Palam Colony,
Sadh Nagar,
Gali No.16-A,
New Delhi-110010.

... REVIEW APPLICANT

By Advocate: Shri R.L. Sethi

VERSUS

1. Union of India through
the D.G., Health Services,
Nirman Bhawan,
New Delhi.

2. The Medical Supdt.,
Dr. R.M.Lohia Hospital,
New Delhi.

3. Shri S.K.Choudhary,
Medical Record Technician,
R.M.L. Hospital,
New Delhi.

... RESPONDENTS

By Advocates: Ms. Aparna Bhatt for R-1 & 2
Shri M.K.Gupta for R-3

O R D E R

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

Heard.

2. When Recruitment Rules for the post of Medical Record Technician (MRT) were approved vide G.S.R. Notification dated 8.4.86 making MRAs alone eligible for promotion, the Tribunal in its impugned judgment dated 8.2.93 correctly held that ad hoc promotion of review applicant which had been made pending approval of Recruitment Rules, was to be regularised in accordance with the Recruitment Rules, and under the

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circumstance, respondents' order dated 30.7.87 regularising review applicant who was not an MRA but a receptionist retrospectively w.e.f. 8.4.86 was obviously contrary to rules. Hence the impugned judgment dated 8.2.93 is fully in order. Besides that the grounds taken in the R.A. do not bring it within the scope and ambit of Section 22(3)(f) A.T. Act read with Order 47 Rule 1 C.P.C. under which alone any judgment/order/decision of the Tribunal can be reviewed.

3. During hearing we were informed that after review applicant's reversion, he was subsequently promoted in his own channel. He however apprehends that respondents will make monetary recoveries from him for the period from 8.4.86 till the date of his promotion in his own channel. Before Respondents do so, they should give review applicant a reasonable opportunity of being personally heard, and should consider any representation he may file in this regard with the utmost sympathy in view of his unfortunate physical condition.

4. Subject to what has been stated in paragraph 3 above, the R.A. is rejected.

A. Veda Valli

(DR. A. VEDAVALLI)
Member (J)

/GK/

S. R. Adige

(S.R. ADIGE)
Member (A)