

(B)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA-2565/90 with
MP- 959/91

Date of decision: 19.2.1992.

Shri Gyanendra Singh Applicant

Versus

Union of India & Ors. Respondents

For the Applicant Shri Gyan Prakash, Advocate

For the Respondents Shri M.L. Verma, Advocate

For the Intervenor Shri P.L. Miniroth, Advocate

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The applicant, who has worked as a Laboratory Technician in the S.T.D. Centre, Safdarjung Hospital since 11.8.1972, is aggrieved by the non-promotion to the post of Senior Laboratory Technician for which Recruitment Rules were notified on 16.9.1986. He is the seniormost of the four Laboratory Technicians working in the S.T.D. Department and is eligible for promotion to the post of Senior Laboratory Technician. Instead of promoting him, the respondents appointed

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Shri Cyril Silas as Senior Laboratory Technician on ad hoc basis from March, 1986 to 31.1.1990, the date of his superannuation. He apprehends that the respondents might resort to similar ad hoc appointment in contravention of the Recruitment Rules.

2. The respondents admit that the applicant is the seniormost of the four Laboratory Technicians working in the S.T.O. Department, but they contend that a decision has been taken not to operate the Recruitment Rules in view of the fact that they are not in the interest of the majority of Laboratory staff. The Medical Laboratory Technologists Association who have filed MP-959/91 for intervention, have argued that the Recruitment Rules are detrimental to the interests of the majority of the Laboratory Technicians.

3. We have carefully considered the matter. The intervenors have filed a copy of the Seniority List of Laboratory Technicians (Group 'C') as on 2.11.1987, according to which, there are 68 Laboratory Technicians in the Safdarjung Hospital and the applicant's name figures at serial No.30 of the said list. Normally, when appointments are to be made to a post, the same should be in accordance with the statutory Recruitment Rules. In the instant case, a policy ^{decision} has been taken by the respondents not to fill up the post in view of the demand for widening the field of choice. The respondents have stated that Shri Cyril Silas was the seniormost Laboratory Technician in the combined seniority

list and he was appointed as Senior Laboratory Technician pending the making of new Rules.

4. The non-filling of the post of Senior Laboratory Technician is pursuant to the policy decision by the respondents not to operate the same pending the framing of new Rules. This cannot be faulted on legal or constitutional grounds. The respondents should, however, finalise the framing of the new Rules expeditiously. The application is disposed of with the above observations. There will be no order as to costs. MP-959/91 is also disposed of accordingly.

B.N. Dhoundiyal
(B.N. Dhoundiyal)
Administrative Member

P.K. Kartha
19/12/92
(P.K. Kartha)
Vice-Chairman(Judl.)