

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.1592/92

New Delhi : this the 8th day of July, 1997

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HON'BLE M.R.S.R.ADIGE MEMBER(A).

HON'BLE MRS. LAKSHMI SWAMINATHAN MEMBER(J)

S.M. Gupta s/o Late Shri B.P.Gupta,
Lab. Technician,
Safdarjang Hospital,
New Delhi. Applicant.

(None appeared for applicant)

Versus

Union of India through

1. Secretary,
Ministry of Health and Family Welfare,
Nimman Bhavan,
New Delhi- 110011

2. Secretary to
Govt. of India,
Ministry of Personnel,
Sardar Patel Bhavan,
Parliament Street,
New Delhi - 110001.

3. Medical Superintendent,
Safdarjang Hospital,
Arvind Marg,
New Delhi - 110029. Respondents.

(By Advocate: Shri K.R.Sachdeva).

ORDER(ORAL)

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

Applicant challenges his non consideration
for promotion to the post of Senior Lab. Technician
in Safdarjang Hospital, New Delhi as per
Recruitment Rules notified by GSR No.1401 dated
22.10.77, and impugns the said rules.

2. None appeared for the applicant even on
second call. Shri K.R.Sachdeva appeared on behalf
of the respondents, and was heard.

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3. Applicant himself admits that the method of recruitment to the post of Sr. Lab. Technician is 100% by promotion from amongst Lab. Technician with Matric qualification and 5 years regular service in the grade, failing which by direct recruitment. His grievance is that the age and educational qualification prescribed for direct recruits are not applicable in the case of recruitment by promotion and prays that the RRs be amended to reflect the nature, duties, functions and job requirements of the post of Sr. Lab. Technician.

4. Shri Sachdeva has stated that applicant who was earlier working as Lab. Technician in AIIMS, and upon the termination of his services there, ^{W.e.f. 15.11.89} was engaged in Safdarjang Hospital as Lab. Technician as a fresh employee, pursuant to the Hon'ble Supreme Court's directions dated 25.4.89 in W.P.No.879/88 (Annexure-D), did not have the minimum 5 years regular service in the grade when the CPC met, and hence could not be considered for promotion as Sr. Lab. Technician.

5. We do not detect any legal infirmity in the different qualifications prescribed for promotedes and for direct recruits, for filling up the post of Sr. Lab. Technician as per the impugned RRs, which have been framed under Article 309 of the Constitution. We note that the applicant was himself not eligible for consideration for promotion to the post of Sr. Lab. Technician as per impugned RRs and that being so, he cannot pray for amendment of those Rules to suit his qualifications.

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6. Under the circumstance the CA warrants no
interference. It is dismissed. No costs.

Lakshmi Smethie / *Tholage*
(MRS. LAKSHMI SIVAMINATHAN) (S. R. ADIGE)
MEMBER(J) MEMBER(A)

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