

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2104/92



New Delhi this the 14th day of May, 1993.

Hon'ble Mr. S.R. Adige, Vice-Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Prem Lal,
S/o Sh. Rudri Dutt,
R/o DG-848, Sarojini Nagar,
New Delhi.

...Applicant

(By Advocate Mrs. Meera Chhibber)

-Versus-

1. Union of India through
the Secretary, Ministry of
Health & Family Welfare,
Nirman Bhawan,
New Delhi.
2. Director-General (Health Services),
Nirman Bhawan,
New Delhi.
3. Medical Superintendent,
Safdarjung Hospital,
New Delhi.

...Respondents

(By Advocate Mr. Madhav Panikar)

O R D E R (ORAL)

Hon'ble Mr. S.R. Adige, Vice-Chairman (A):

Applicant seeks adequate promotional avenues to holders of isolated posts such as Cardiac Catheterisation Technician (Rs.1400-2300), on the ground that he has been stagnating in that scale for the last many years.

2. Applicant was initially appointed as Lab Assistant in the Safdarjung Hospital, New Delhi in December, 1964. Although in the OA he himself has stated that he was subsequently promoted in 1965 as Lab Assistant (ECG), Mrs. Meera Chhibber, applicant's counsel has invited our attention to the respondents' order dated 24.6.65 (page 9 of the OA), and has stated that it was not a promotion as such but a fresh appointment. Similarly, while in the OA the applicant himself

✓

states that he was further promoted as a Monitoring Technician (Rs.1400-2300) w.e.f. 19.9.68. Mrs. Meera Chhibber has invited our attention to respondents' order dated 6.9.68 (page 11 of the OA) and has contended that this again was a fresh appointment of the applicant as Monitoring Technician. Thereafter it is not disputed that in 1972, the post of Monitoring Technician was redesignated as Catheterisation Technician (Rs.1400-2300) and applicant has continued to function against that post ever since.

26

3. In this connection applicant had represented to the higher authorities from time to time and Mrs. Chhibber has invited our attention to the strong recommendations made by the Head of Department in favour of providing suitable promotion opportunities in such cases. These recommendations of the Head of Department are available at Annexures A-2 and A-3.

4. In this connection Sh. Madhav Panikar has invited our attention to the Hon'ble Supreme Court's decision in 1997 (4) SCC 38 Technician (Executive) Anti Pollution Association vs. Union of India wherein it has been held that the Tribunal is not competent to issue any direction to Government departments for creation of promotional avenues, as this is entirely within the policy making functions of the department concerned.

5. In the light of what has been stated above, we dispose of this OA, with a direction that in the event the applicant makes a fresh self-contained representation to the respondents within three weeks from the date of receipt of a copy of this order, respondents will, in the light of what has been stated above, including, particularly, the strong

/

recommendations made by their own authorities, consider the same, and thereafter dispose of that representation by a detailed, speaking and reasoned order in accordance with rules and instructions within four weeks of receipt of the same.

27

6. The O.A. stands disposed accordingly. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Vice-Chairman(A)

'Sanju'