

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 2300/92

New Delhi this the 10th Day of November, 1997

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Shri N. Sahu, Member (A)

Shri Subrata Bhowal,
Son of Shri Parikshit Chandra Bhowal,
Resident of 1123, Type IV,
Quarter R.K. Puram Sector IV,
New Delhi-110 022.

Petitioner

(By Advocate: Shri D.R. Gupta)

Versus

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

Respondents

(By Advocate: Shri Madhav Panicker)

ORDER (Oral)

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)

The case of the petitioner is that he has been appointed and working as Monitoring Technician w.e.f. 11.10.1979 in the scale of Rs. 1400-2300. Thereafter, even though he was posted as Monitoring Technician he has been discharging the duties of higher post after obtaining adequate training especially as a Perfusionist for more than nine years.

2. The main relief sought by the petitioner is that his candidature may be considered to the next higher post of OT Supervisor in the scale of Rs. 1640-2900. The petitioner has been making repeated representation and the benefit of being

considered against an available vacancy of OT Supervisor have been granted to him on the feeder post of OT Supervisor is only the Senior Technicians. The submission of the petitioner is that both the posts of Senior Technicians as well as the Monitoring Technicians are in the same grade of Rs. 1400-2300 and for some purpose the respondents are keeping the post of Monitoring Technicians as an ex-cadre post. (1)

3. It was also submitted by the counsel for the petitioner that there is no recruitment rules yet finalised for the purpose of OT Supervisor in the Scale of Rs. 1640-2900 and as such to retain the candidates from Senior Technicians alone as feeder post is not in accordance with the recruitment rules. The claim of the petitioner, therefore, is due for consideration as the petitioner has been discharging higher duties and his case has been duly recommended by the concerned authorities. He may also be considered for posting as OT Supervisor in the scale of Rs. 1640-2900 as and when the next vacancy arises.

4. After notice the respondents have stated that the OT Supervisor/Junior Technical Officers are of a specialised category and they are selected from among the candidates with long experience with various surgical disciplines and management of I.C.U. patients in the Department of Anaesthesia. It was stated that the applicant does not have the experience in the field like Obstetrics & Gynaecology, Orthopaedics, Neuro-surgery, etc. and the petitioner has only

experience working in the Department of CTVS department alone in the permanent cadre of Monitoring Technicians and may be discharging the duties of higher post.

(8)

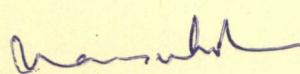
5. The petitioner, on the other hand, submitted various certificates issued by the authorities of the respondents' hospital including the one issued by the Safdarjung Hospital, CTVS Department stating that the petitioner even though as a Monitoring Technician has been working in the CTVS Department and was sent for various trainings as Perfusionist. It was stated that he had been sent for training to G.S. Medical College & KEM Cardio-Vascular & Thoracic Centre, Bombay and also from CTVS Centre of AIIMS, New Delhi. He has been doing a Perfusionist job for the last nine years in CTVS department of Safdarjung Hospital all alone without any break. In view of the certificate of this nature, even though, the petitioner does not have the qualification or experience in other departments as mentioned by the respondents, we *prima facie* do feel that no technician can be said to have experience and proficiency in all the fields and we find the experience being issued from the officer is in the circumstance worth considering at the instance of the respondents.

6. The respondents on the other hand in reply to para 4.2 stated that there was no available vacancy of OT Supervisor at the given time. The petitioner, in fact, has given various representations touching these facts and none of his representations has been replied to.

7. In the circumstances we find that it is a fit case for the respondents to consider the case of the petitioner for the post of OT Supervisor in the scale of Rs. 1640-2900/- as and when the next vacancy arises, treating him as a trained Perfutionist at Singapore in the Scale of Rs. 1640-2900.

(9)

8. It was stated that the representation given by the petitioner is still pending and the respondents shall pass appropriate orders in view of the findings recorded above within 4 weeks from the receipt of a copy of this order and communicate the same to the petitioner.



(N. Sahu)
Member(A)



(Dr. Jose P. Verghese)
Vice Chairman (J)