

(11)

Central Administrative Tribunal  
Principal Bench: New Delhi

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OA No. 2499/92

New Delhi, this the ~~3rd~~ day of December, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Shri K.Muthukumar, Member (A)

Shri Z.A. Siddiqui,  
s/o Shri (Late) Masleh-Uddin,  
r/o XI/927, Mochian Gali,  
Chitli Khabar, Delhi

..Applicant

(By Advocate: Shri V.K. Shali)

Versus

Union of India through

1. Secretary,  
Ministry of Health & Family Planning,  
Nirman Bhawan, New Delhi.
2. The Director General (Health Services)  
Nirman Bhawan,  
New Delhi.
3. Medical Superintendent,  
Safdarjung Hospital,  
New Delhi.

..... Respondents

(By Advocate: Shri Madhav Panikar)

O R D E R (ORAL)

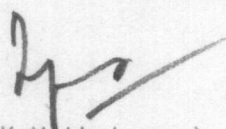
Dr. Jose P. Verghese, Vice-Chairman -

The petitioner in this case was initially appointed as Lab Technician in December, 1971 thereafter he was selected to the post of Technical Assistant w.e.f. 24.4.1979 in the Crystalloid Unit.


2. The petitioner in this OA is seeking a direction that ever since the said appointment he has been without any promotional avenues and for the last 18 years he has been continuing in the said post treating that his first appointment as Technical Assistant in the Crystalloid Unit as an isolated post.

3. After notice respondents filed their reply stating that the said Crystalloid Unit has been closed down sometimes in the year 1986. Thereafter the record shows that the petitioner has been treated as Technical Assistant (Biological) and his name has been shown alongwith other Technical Assistants belonging to similar disciplines and his seniority has been shown upto the year 15.7.1996 as no.1 in the seniority list. The contention on behalf of the petitioner is that assuming that the petitioner became a Technical Assistant out of the Crystalloid Unit after it is closed, the petitioner became eligible to the next post for being considered namely to the post of Technical Supervisor after completion of seven years i.e. at least by 1993. In the circumstances, we are of the opinion that the petitioner is entitled to be considered to the post of Technical Supervisor sometimes in the year 1993 onwards as and when the next vacancy has arisen. We do not know when subsequent DPC held for the purpose of further promotion by the respondents. The only direction which we can issue now is that the respondents may consider the promotion of the petitioner to the post of Technical Supervisor as if he was a Technical Assistant (Biological) after the Crystalloid Unit was closed down in the year 1986. This consideration shall be in accordance with the recruitment rules prescribed to the next post of Technical Supervisor and the petitioner will be entitled to all consequential reliefs from the date of such promotion.

4. With this, this OA stands allowed to the extent stated above with no order as to costs.

  
(K. Muthukumar)  
Member (A)

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