

Central Administrative Tribunal  
Principal Bench

O.A.No.376/93

Hon'ble Mr. Justice K.M.Agarwal, Chairman  
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 29 day of July, 1998

Dr. D.N.Mendhekar (S.T.)  
Asst. Prof. Psychiatry  
G.B.Pant Phospital  
New Delhi.

... Applicant

(By Shri R.L.Sethi, Advocate)

Vs.

Union of India  
through

1. The Secretary  
Ministry of Health and Family Welfare  
Department of Health  
Nirman Bhawan  
New Delhi - 110 011.

2. Dr. Daya Ram  
Asstt. Professor  
Psychiatry  
C.I.P. Hospital  
Ranchi.

3. Dr. P.K.Srivastava  
Asstt. Prof. Psychiatry  
Maulana Azad Medical College  
New Delhi.

... Respondents

(By Shri V.S.R.Krishna, Advocate)

O R D E R

Hon'ble Shri R.K.Ahooja, Member(A)

The applicant was appointed as Assistant Professor in Specialist Grade II ~~officer~~ of the Teaching specialist sub-cadre of the Central Health Service, on 20.9.1990. He is aggrieved by the inaction of the respondents in granting him time bound promotion to the post of Associate Professor in the pre revised scale of Rs.3700-5000.

2. The respondents in their reply have stated that the recommendation of the UPSC for the appointment of the applicant was subject to verification of the caste

certificate of the applicant. They say that the Tehsildar and Executive Magistrate of Mohadi, Maharashtra had certified that the applicant was not of 'Halba' community. Thereafter the matter was taken up with the Maharashtra Government but so far no reply has been received. Even though the applicant had been approved by the DPC for promotion as Associate Professor, this recommendation was subject to the verification of his caste status.

3. We have heard the counsel on both sides. This OA was filed in 1993 and the reply of the respondents was filed on 3.6.1993. We enquired from the learned counsel for the respondents, Shri V.S.R. Krishna in regard to the present position of the applicant's caste status. The learned counsel for the respondents states that there is no change in the position. In other words, the appointment of the applicant continues to be on provisional basis and therefore according to the learned counsel for the respondents, he cannot be granted promotion.

4. We find this most surprising, to ~~the say~~ <sup>at least</sup> the least. The Government have not been able to verify whether the claim of the applicant as regards to his caste status as member of the scheduled tribe is correct or not despite the lapse of eight years. We therefore consider it appropriate to direct the respondents to take a final decision in the matter within four months from the date of receipt of a copy of this order. If no decision is taken then the respondents will grant promotion to the applicant to <sup>rank of</sup> ~~the~~ Associate Professor from the date he

completed the qualifying service with all consequential benefits as regards the arrears of pay as also consideration for further promotion as per rules.

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The OA is disposed of as above. No costs.

*Km*

(K.M. Agarwal)  
Chairman

*R. K. Ahooja*

(R.K. Ahooja)  
Member(A)

/rao/