



**Central Administrative Tribunal  
Principal Bench: New Delhi**

**O.A. No. 1851/2021  
M.A. No. 2337/2021**

**This the 10<sup>th</sup> day of September, 2021**

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Indian Youth Pharmacist Forum,  
Through its President,  
  
E-110/A, Ist Floor, (Back Portion),  
Abdul Fazal Enclave, Jamia Nagar,  
New Delhi.
2. Vivek Yadav, aged about 33 years,  
S/o Sri Ram Gopal,  
R/o KH – 1153 Kushak No. 2,  
Near Shani Mandir, Kadipur Delhi.

...Applicants

(By Advocate: Mr. T. N. Tripathi)

**Versus**

1. Union of India,  
Through its Secretary,  
Ministry of Health & Family Welfare,  
Nirman Bhawan, New Delhi.
2. Directorate General of Health Services,  
Ministry of Health & Family Welfare,  
Nirman Bhawan, New Delhi.
3. The Drug Controller General (India),  
Central Drugs Standard Control Organization (HQ),  
Directorate General of Health Services,  
FDA Bhawan, Kotla Road,  
New Delhi – 110002.



4. Department of Personnel & Training,  
Through its Secretary,  
North Block, Central Secretariat,  
New Delhi – 110001.
5. Ministry of Finance and Expenditure,  
Through its Secretary,  
North Block, New Delhi – 110001.

...Respondents

(By Advocate: Mr. C. Bheemanna)

### **ORDER (ORAL)**

#### **Hon'ble Ms. Manjula Das, Chairman**

This Original Application has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

- a) *Quash and set aside the order/letter dated 06.08.2021 whereby the respondents are initiating process to merge a non statutory post (ABI) into statutory post i.e. (D.I.).*
- b) *Direct the respondents not to proceed with the process of merging the post of Assistant Drugs Inspectors into the post of Drugs Inspectors.*
- c) *Declare the action of the respondents illegal, unjustified and contrary to the recruitment for the post of Drug Inspector and upheld the objection of the respondent no.5 received on 28.12.2020 being correct one.*
- d) *Pass any other order/orders which this Hon'ble court may deem fit and proper in the above facts and circumstances and in the interest of justice.*

2. We heard Mr. T.N. Tripathi, learned counsel for applicants and Mr. C. Bheemanna, learned counsel for respondents, at the stage of admission.



3. The letter dated 06.08.2021 written by the Dy. Director Admn.(D) addressed to Section Officer (Drugs Regulation), Ministry of Health & Family Welfare, New Delhi, which is impugned in the O.A., is an internal communication of department whereby the proposal for merging the existing ADIs into DIs without creating new posts in the cadre with minimum or no financial burden on the exchequer, as requisition for filling up of 46 vacant posts of Drugs Inspectors, was returned by the UPSC with the observation to first finalise the existing Recruitment Rules for the post of Drugs Inspector. This is nothing but a clarificatory communication.

4. The applicant No.1, i.e. Indian Youth Pharmacist Forum, is represented by its President Mr. Vinay Kumar, who is not an employee of the respondents. Hence, as per Rule 5(b) of CAT (Procedure) Rules, 1987, he is not authorized to file the O.A. on behalf of the Forum.

5. In view of the above, the present O.A. is not maintainable in terms of Rule 5(b) of CAT (Procedure) Rules, 1987 and the same is accordingly dismissed. There shall be no order as to costs.

**(Mohd. Jamshed)**  
**Member (A)**

**(Manjula Das)**  
**Chairman**

/jyoti/mbt/dd