

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO. 533 OF 2007

Friday, this the 29th day of August, 2008.

CORAM:

**HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Dr. K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

Anandarajan S.
Peon
Regional Health Office
Government of India
Meads Lane, Cantonment
Thiruvananthapuram - 34 : **Applicant**

(By Advocate Mr. Blaze K Jose)

v.

1. Director General of Health Services
(Medical Stores Organization)
Government of India
Ministry of Health & Family Welfare
Directorate General of Health Services
West Block - 1, Wing - 6
R.K.Puram, New Delhi - 66
2. The Additional Director General (St.)
Directorate General of Health Services
M.S.O., West Block - 1, Wing No. 6
R.K.Puram, New Delhi - 110 066
3. The Regional Director
Directorate General of Health Services
Nirman Bhavan
New Delhi - 110011
4. The Regional Director
Regional Health Officer for Health & Family Welfare
Government of India,
Meads Lane, Cantonment
Thiruvananthapuram - 695 034 : **Respondents**

(By Advocate Mr. Sunil Jose, ACGSC)

The application having been heard on 29.08.2008, the Tribunal
on the same day delivered the following:

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ORDER**HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER**

None for the applicant. It is seen from the records that the reply has been filed long back on 13.03.08. On 19.03.08 the proxy counsel for applicant sought two weeks time to file rejoinder. Accordingly, time was granted and the case was posted to 08.04.08. On 08.04.08, on the request of the proxy counsel for applicant the matter was adjourned to 28.05.08. On 28.05.08, again the proxy counsel for applicant sought time to file rejoinder and accordingly time was granted and the case was posted for hearing in turn. When the case came for hearing today, neither the applicant nor the counsel is present. It appears that they are not interested in prosecuting the case. Accordingly, the OA is dismissed for default. There shall be no order as to costs.

Dated, the 29th August, 2008.



Dr. K.S. SUGATHAN
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

vs

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO. 533 OF 2007

Tuesday, this the 28th day of October, 2008.

CORAM:

**HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Dr. K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

Anandarajan S.
Peon
Regional Health Office, Government of India
Meads Lane, Contonment
Thiruvananthapuram - 34 : Applicant

(By Advocate Mr. M.R.Sarin Panicker)

vs.

1. Director General of Health Services
(Medical Stores Organization)
Government of India
Ministry of Health & Family Welfare
Directorate General of Health Services
West Block - 1, Wing - 6
R.K.Puram,
New Delhi - 66

2. The Additional Director General (St)
Directorate General of Health Services
M.S.O., West Block - 1, Wing - 6
R.K.Puram,
New Delhi - 110 066

3. The Regional Director
Directorate General of Health Services
Nirman Bhavan,
New Delhi - 110 001

4. The Regional Director
Regional Health Officer for Health & Family Welfare
Government of India
Meads Lane, Contonment
Thiruvananthapuram - 695 034 : Respondents

(By Advocate Mr. Sunil Jose)

The application having been heard on 28.10.2008, the Tribunal
on the same day delivered the following:



ORDER

HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has filed the present OA after filing a representation dated 02.07.2007 at Annexure A-9 requesting the respondents to grant him the scale of pay attached to the post of LDC. The said request was rejected by the respondents vide the impugned order at Annexure A-10 letter dated 19.07.2007, stating that there was no vacant posts of LDC available in the Office of the respondents.

2. Applicant has filed this OA seeking directions to the respondents (i) to fix his pay in the scale of pay attached to the post of LDC under the provisions of FR 22 (1) (a) (I) after granting him promotion under the ACP Scheme and to disburse the entire arrears of salary and (ii) to conduct departmental test to the post of LDC to fill up the vacancies in the 10% promotion quota.

3. Applicant had earlier approached this Tribunal vide OA 334/07 seeking a direction to the respondents to promote him as LDC in the vacancy that would arise on 31.05.2002 and to permit him to continue in that post from the said date in the Regional Office for Health and Family Welfare, Thiruvananthapuram. In the said OA, respondents have admitted that a vacancy of the post of LDC had arisen on 31.05.2002 as a result of the retirement of a UDC but the same has to be filled up by direct recruitment as it falls in the 90% quota for direct recruitment as per the recruitment rules and applicant is to be considered under the promotion quota against 10% vacancies for which departmental examination would be held as and when the vacancy would arise. On the basis of the aforesaid



averments, the OA was dismissed with liberty to the applicant to challenge the appointment of LDC against the vacancy which arose on 31.05.2002, if it is against the rules. Thereafter, the respondents have filled up the vacancy by appointing one Mr. Ajith Kumar, GMSO who was transferred from Mumbai.

4. We have heard Mr.M.R.Sarin Panicker, learned counsel for applicant and Mr.Sunil Jose, learned counsel for respondents. It is an admitted fact that the applicant was appointed only on 18.07.1988. The respondents have already granted him the 1st financial upgradation in the pay scale of Rs.2750-70-3800-75-4400 vide Annexure A-4 letter dated 27.11.2000. The applicant will be eligible for 2nd financial upgradation only after completion of 24 years of service i.e after 18.07.2012. Respondents have stated that as and when he completes 24 years, his case for financial upgradation under the 2nd ACP Scheme will be considered. Therefore, we do not find any merit in the contention of the applicant that he has become eligible for consideration for the 2nd financial upgradation under ACP Scheme and therefore, the same is rejected. As far as his claim to consider him for promotion to the post of LDC under 10% promotion quota is concerned, the same also cannot be granted to him as there are no vacancies in the said quota. The OA is therefore, devoid of any merit and the same is **dismissed**. There shall be no order as to costs.

Dated, the 28th October, 2008.


Dr. K.S. SUGATHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER