

**Central Administrative Tribunal
Principal Bench**

OA No.258/2015

MA No.187/2015

New Delhi, this the 12th day of February, 2016

Hon'ble Mr. A.K. Bhardwaj, Member (J)

Hon'ble Dr. B.K. Sinha, Member (A)

1. Mr. Pankaj Tyagi,
S/o Shri Dharamvir Tyagi,
R/o A-679, Baba Colony,
Burari, Delhi 110084.
D.O.B. 17.11.1984 (Age 30 years)
Dt. Of appointment: 29.6.2006
DARK Room Assistant.

2. Shri Yogesh Kumar,
S/o Shri Lekh Raj Singh,
R/o H.No.600, Gali No.4,
Chander Lok Shahdara, Delhi,
D.O.B. 15.07.1986 (Age 28 yrs.)
Dt. Of appointment : 30.6.2006
DARK Room Assistant

3. Ms. Savita,
W/o Shri Ashok Kumar,
R/o WZ-57, Palam Village,
Near OBC Bank New Delhi-45,
D.O.B. 30.07.1980 (age 34 yrs.)
Dt. Of appointment : 29.6.2006
DARK Room Assistant.

...applicants

(By Advocate : Shri S.N. Gupta)

Versus

1. Union of India, through
Its Secretary,
Ministry of Health and Welfare,
New Delhi.

2. The Director General,
Health Services,
Nirman Bhawan,
New Delhi.

3. The Medical Supdtt.
Safardung Hospital,
New Delhi.

...respondents

(By Advocate : Shri Subhash Gosain)

ORDER (ORAL)

Mr. A.K. Bhardwaj, Member (J) :-

MA No.187/2015

For the reasons stated therein, the MA filed for joining together is allowed.

OA No.258/2015

The prayer made in the OA reads thus :-

- “i) Direct the respondents to promote the applicants to the post of Radiographer/x-ray technician from the date the applicants have completed 8 years of regular service.
- ii) Direct the respondent to give all consequential benefits to the applicants arising out of the same from the date they became entitle for the promotional post.
- iii) grant any other or further relief which Hon’ble Tribunal may consider just and proper in the facts and circumstances of the present case.”

2. Shri S.N. Gupta, learned counsel for applicant produced minutes of the meeting dated 26.06.2014 regarding relevance of continuing the posts of Dark Room Assistant and Senior Dark Room Assistant in the four Central Government Hospitals in Delhi.

In para 4&5 of the minutes, it has been recorded thus :-

“4. It was also suggested by them that the nomenclature of the post of Dark Room Assistant itself is obsolete and the 5th CPC had recommended the name ‘Assistant Radiographer’ in place of DRA. Hence, at the suggestion given by four HODs, it was decided to change the name of the post from DRA to Assistant Radiographer while considering amendment while the grade pay which is presently being drawn by them shall remain the same.

5. Dr. Thukral and Dr. Garga also informed that the staff who possess requisite qualification viz. Degree or Diploma in Radiology etc. is already performing the duties that of X ray Assistant and Radiographers. Consequently, it was unanimously decided that existing staff of DRA who possess qualification (Diploma/Degree in the field) may be encadred into the parallel Radiology post viz. X ray Assistant and prosper further to Radiographer, Sr. Radiographer etc. However, those who are neither able to work as X ray Assistant; Radiographer etc. nor possess qualification of Diploma/Degree may continue to hold the post of DRA/Sr. DRA till they attain the age of superannuation.”

3. In view of the aforementioned minutes, the OA is disposed of with a direction to the respondents to take a final decision regarding re-designation and promotion of the applicant under intimation to him as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order. No costs.

(Dr. B.K. Sinha)
Member (A)

(A.K. Bhardwaj)
Member (J)

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