

**Central Administrative Tribunal
Principal Bench**

**OA No.24/2017, MA No.221/2017
WITH
OA No.221/2017, MA No.221/2017
OA No.251/2017, MA No.256/2017**

New Delhi, this the 08th day of February, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

OA No.24/2017

1. Dr. Sanjeev Rai
S/o Shri Kuldeep Singh
Aged about 59 years
2. Dr. Rashmi Chowdhry
W/o Sarvesh Chowdhry
Aged about 55 years
3. Dr. Anu Kapoor
W/o Dr. Satish Kapoor
Aged about 52 years
4. Dr. Seema Rai
W/o Dr. Anil Rai
Aged about 52 years
5. Dr. Neeraj Gupta
W/o Lt. Shri O.P. Gupta
Aged about 51 years
6. Dr. Lakshmi, W/o Lalchand
Aged about 55 years
7. Dr. Anil Bector
W/o Late Sh. J.K. Bector
Aged about 57 years
8. Dr. Rakesh Ramanbhai Thakkar
W/o Late Sh. Ramanbhai Thakkar
Aged about 52 years
9. Dr. R.C. Bawiskar
W/o Chintamanrao Tukaram Bawiskar

Aged about 46 years

All Applicants C/o Nehru Homeopathic Medical
College & Hospital, B-Block, Defence Colony
New Delhi-110024. ...Applicants

(By Advocates: Shri R.K. Kapoor and Ms. Kheyali Sarkar)

Versus

1. Govt. of NCT Delhi
Through Its Chief Secretary
5th Floor, Delhi Secretariat
A-Wing, IP Estate
New Delhi-110002.
2. Govt. of NCT Delhi
Through Its Secretary (Health)
9th Floor, Delhi Secretariat
A-Wing, IP Estate
New Delhi-110002.
3. The Director
Ayush (Ayurveda, Yoga, Unani, Sidha and
Homeopathy, Directorate of Ayush
A and U, Tibia College, Karol Bagh
Delhi.
4. The Secretary
Central Council of Homeopathy
Jawaharlal Nehru Bhartiya Chikitsa and
Homeopathy Anusandhan Bhavan
No. 61 to 65, Institutional Area
Opp. D-Block, Janak Puri
Delhi-110058. ..Respondents

(By Advocate: Shri N K Singh for Ms. Avnish Ahlawat)

WITH

OA No.221/2017

Dr. B.M. Sharma, S/o Sh. J.L. Sharma
Aged about 62 years
C/o Nehru Homeopathic Medical
College & Hospital, B-Block, Defence Colony
New Delhi-110024. ...Applicant

(By Advocates: Shri R.K. Kapoor and Ms. Kheyali Sarkar)

Versus

1. Govt. of NCT Delhi
Through Its Chief Secretary
5th Floor, Delhi Secretariat
A-Wing, IP Estate
New Delhi-110002.
2. Govt. of NCT Delhi
Through Its Secretary (Health)
9th Floor, Delhi Secretariat
A-Wing, IP Estate
New Delhi-110002.
3. The Director
AYUSH (Ayurveda, Yoga, Unani, Sidha and
Homeopathy), Directorate of AYUSH
A and U, Tibia College, Karol Bagh
Delhi. ..Respondents

(By Advocate: Shri N K Singh for Ms. Avnish Ahlawat)

AND

OA No.251/2017

1. Dr. George Mathew, Reader NFSG
S/o K. Joseph George
Aged about 47 years
2. Dr. Thankaraj B, Reader NFSG
S/o Balakrishnan
Aged about 43 years
3. Dr. Sanjai Kumar Pandey, Reader NFSG
S/o Shiv Murthi Pandey
Aged about 45 years
4. Dr. Mohit Mathur, Reader NFSG
S/o Mohan Lal Mathur
Aged about 43 years
5. Dr. Bipin Jethani, Reader NFSG
S/o Shobh Raj Jethani
Aged about 41 years
6. Dr. Parul G. Wadhwani, Reader NFSG

D/o N.M. Gupta
Aged about 42 years

7. Dr. Rekha Thomas, Reader NFSG
S/o K.G. Thomas
Aged about 40 years
8. Dr. Meena Pal, Reader NFSG
D/o Dalbir Singh Pal
Aged about 42 years
9. Dr. Abdul Motin Molla, Reader NFSG
S/o Ahmed Ali Molla
Aged about 40 years
10. Dr. Vandana Chopra, Reader NFSG
S/o Baldev Singh Kapur
Aged about 47 years
11. Dr. Archana Narang, Reader NFSG
S/o S.D Grover
Aged about 44 years
12. Dr. S.K. Misra, Lecturer
S/o Shrikant Misra
Aged about 39 years
13. Dr. Prabir Manna, Lecturer
S/o R.N. Manna
Aged about 41 years
14. Dr. Sapna Gupta, Reader NFSG
D/o Ravindra Kumar
Aged about 37 years
15. Dr. Dhananjay Kumar Shukla, Reader NFSG
S/o Harsh Narain Shukla
Aged about 36 years
16. Dr. Annapurna Sarangi, Reader NFSG
S/o Kunja Bihari Sarangi
Aged about 40 years
17. Dr. Anu Rajesh, Reader NFSG
D/o K.V. Kunhi Kannan
Aged about 37 years
18. Dr. Neerja Korey, Reader NFSG

D/o Ranbir Singh
Aged about 41 years

Applicant Nos. 1 to 10, 12 to 18
C/o Nehru Homeopathic Medical
College & Hospital, B-Block, Defence Colony
New Delhi-110024.

Applicant Nos. 11 and 13
C/o B.R. Sur Homeopathic Medical College
Hospital and Research Center, Nanak Pura
New Delhi

...Applicants

(By Advocates: Shri R.K. Kapoor and Ms. Kheyali Sarkar)

Versus

1. Govt. of NCT Delhi
Through Its Chief Secretary
5th Floor, Delhi Secretariat
A-Wing, IP Estate, New Delhi-110002.
2. Govt. of NCT Delhi
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9th Floor, Delhi Secretariat
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Homeopathy, Directorate of AYUSH
A and U, Tibia College, Karol Bagh, Delhi.
4. The Secretary
Central Council of Homeopathy
Jawaharlal Nehru Bhartiya Chikitsa and
Homeopathy Anusandhan Bhavan
No. 61 to 65, Institutional Area
Opp. D-Block, Janak Puri
Delhi-110058.

..Respondents

(By Advocates: Ms. Kiran Ahlawat and Mrs. Alka Sharma)

ORDER (ORAL)

Justice Permod Kohli, Chairman :-

The facts and issues being identical in these OAs, they are
heard and disposed of by this common order.

2. The applicants herein are Homeopathy Doctors working with the Directorate of Health and Family Welfare, GNCTD. They are seeking their *in situ* promotion from Assistant Professor/Reader to Associate Professor/Reader (NFSG) from the dates they respectively completed two years of regular service in the cadre of Assistant Professor and further to the cadre of Professor on completion of six years of regular service as Associate Professor.

3. Notices in this case were issued to the respondents to respond to the aspect of the issues raised in the present OAs being squarely covered by the Order of this Tribunal dated 24.11.2016 passed in OA No.4116/2014 (Annexure-A). Learned counsel appearing on behalf of the respondents have not disputed this fact. Their contention, however, is that these applications have been filed by the applicants after a long period and thus, they are not entitled to the same benefits.

4. It is seen that the issues in these OAs are squarely covered by the aforesaid Order dated 24.11.2016 passed in OA No.4116/2014. This Tribunal on consideration of the entire controversy in the case of similarly situated persons, passed the following directions:-

"14. This OA is accordingly allowed. The OM dated 09.12.2013 to the extent it restricts grant of time bound promotion from the date of assumption of charge will not operate against the applicants. Further direction is issued to the respondents to grant the benefit of financial upgradation i.e, time bound promotion to the

post of Reader (NFSG) as allowed vide order dated 09.12.2013 from the date they acquired eligibility, with all consequential benefits within three months from the date of receipt of certified copy of this order. No order as to costs.”

5. The applicants’ cases shall be accordingly considered in the light of the aforesaid directions. However, the payment of arrears shall be restricted to three years preceding the date of their actual promotions as Associate Professor/Reader (NFSG) and as Professor. Their salaries shall be re-determined accordingly. Let this exercise be completed within a period of three months from the date of receipt of certified copy of this order. These OAs are disposed of with above directions. No order as to costs.

6. All the ancillary applications also stand disposed of.

(K.N. Shrivastava)
Member(A)

(Justice Permod Kohli)
Chairman

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