

**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 08<sup>th</sup> 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  
5<sup>th</sup> Floor, Delhi Secretariat  
A-Wing, IP Estate  
New Delhi-110002.
2. Govt. of NCT Delhi  
Through Its Secretary (Health)  
9<sup>th</sup> 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)

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Through Its Chief Secretary  
5<sup>th</sup> Floor, Delhi Secretariat  
A-Wing, IP Estate  
New Delhi-110002.
2. Govt. of NCT Delhi  
Through Its Secretary (Health)  
9<sup>th</sup> 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)

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Through Its Secretary (Health)  
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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**

/vb/