

Central Administrative Tribunal
Principal Bench
New Delhi

C.P.No.435/2016

in

O.A.No.258/2015

Order Reserved on: 02.09.2016

Order pronounced on 07.09.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Dr. Birendra Kumar Sinha, Member (A)

1. Mr. Pankaj Tyagi (Age 30 yrs)[Dark Room Assistant]
Son of Shri Dharamvir Tyagi
R/o A-679, Baba Colony
Burari, Delhi – 110 084.
 2. Shri Yogesh Kumar (Age 28 yrs)[Dark Room Assistant]
Son of Sh. Lekh Raj Singh
R/o H.No.600, Gali No.4
Chander Lok Shahdara, Delhi.
 3. Ms. Savita (Age 34 yrs)[Dark Room Assistant]
W/o Shri Ashok Kumar
R/o WZ-57, Palam Village
Near OBC Bank
New Delhi – 45.
- ... Applicants/Petitioners

(By Advocate: Mr. S.N.Gupta)

Versus

1. Shri Jagdish Prasad
The Director General
Health Services
Nirman Bhawan
New Delhi.

2. Shri A.K.Rai

The Medical Supdt.

Safdarjung Hospital

New Delhi.

... Respondents

ORDER

By V. Ajay Kumar, Member (J):

The OA No.258/2015 was disposed of by this Tribunal by an order dated 12.02.2016, as under:

"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 It was also suggested by them that the nomenclature of the post of Dark Room Assistant itself is obsolete and the 5th CPC had recommended the name 'Assistant Radiographer' in place of DRA.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."

2. In pursuance of the aforesaid orders of this Tribunal, the respondents vide their Office Order dated 21.04.2016 (Annexure B), revised the nomenclature and pay scale of the post of Dark Room Assistant to that of Assistant Radiographer in Pay Band-I Rs.5200-20200 + Grade Pay of Rs.1900.

3. Thereafter, the applicants made a representation dated 22.06.2016 (Annexure C), while admitting the fact of re-designation of their post of Dark Room Assistant to that of Assistant Radiographer and that there are no promotional avenues from the said post of Assistant Radiographer, requested the respondents to include the post of Assistant Radiographer in the feeder cadre of Radiographers, by amending the Recruitment Rules of Radiographer post.

4. The applicants filed the present CP by submitting that this Tribunal while disposing of the OA No.258/2015 directed the respondents to take a final decision regarding re-designation and promotion of the applicants but the respondents only re-designated the post of the applicants to that of Assistant Radiographer but not

amended the Recruitment Rules of Radiographer by making the Assistant Radiographer as feeder cadre for promotion to the post of Radiographer.

5. Though the applicants in OA No.258/2015 prayed for a direction to promote them to the post of Radiographer/X-Ray Technician, but this Tribunal only directed the respondent to take a final decision regarding re-designation and promotion of the applicants. Accordingly, the respondents re-designated the post of the applicants from Dark Room Assistants to Assistant Radiographers, from which post admittedly there is no promotional channel to any other post, which action the applicants have not objected. Hence, in our considered view the respondents have substantially complied with the orders of this Tribunal.

6. In the circumstances and in view of the substantial compliance, the CP is dismissed. However, this order shall not preclude the applicants from agitating to provide promotional avenues to the post of Assistant Radiographers, if permissible, in accordance with law. No costs.

(Dr. Birendra Kumar Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)