

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.3646/2017

Monday, this the 23rd day of October 2017

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

Dr. Nand Kishora
s/o late Mr. Kabool Singh
Flat No.242, Pocket 1, DDA Flats
Sector – 5, New Delhi – 110 075

(Ms. Ruchika Mittal, Advocate)

..Applicant

Versus

1. Govt. of NCT of Delhi
Through its Secretary (Health)
Delhi Secretariat, ITO
Delhi – 110 002
2. The Director (AYUSH)
ISM&H (AYUSH)
Directorate of Ayush
A&U Tibbia College Campus
Karol Bagh, New Delhi – 110 005

..Respondents

(Mr. N K Singh, Advocate for Mrs. Avnish Ahlawat, Advocate)

O R D E R (ORAL)

Justice Permod Kohli:

Notice.

2. Mr. N K Singh for Mrs. Avnish Ahlawat, learned counsel, appears and accepts notice on behalf of respondents.
3. The applicant joined Government of NCT of Delhi as Assistant Director, ISM. His appointment was temporary as is evident from the appointment order dated 27.11.1991 (Annexure A-1). At the relevant time,

there were no Recruitment Rules, however, subsequently the Recruitment Rules were framed by the Department. The applicant was duly considered and promoted as Deputy Director on *ad hoc* basis vide order dated 21.11.1996 (Annexure A-4) and later on regular basis on the recommendations of Union Public Service Commission vide order dated 26.03.2007 (Annexure A-5). After the Recruitment Rules were framed, the posts held in the ISM were re-designated and the post of Deputy Director was re-designated as Chief Medical Officer (CMO). The applicant was thereafter deputed as Additional Project Director to Chaudhary Brahm Prakash Ayurveda Charak Sansthan under the Government of NCT of Delhi and later repatriated on 07.03.2011. The applicant retired from service on attaining superannuation on 31.08.2012. The applicant made various representations during service as also after his retirement on 24.10.2012, 31.12.2012, 21.05.2015, 04.04.2016 and 16.01.2017 seeking promotion to the post of CMO (Non-Functional Selection Grade) (NSFG) w.e.f. 19.11.2000 in the scale of ₹14300-18300 and Senior Administrative Grade (SAG) w.e.f. 19.11.2003 in the scale of ₹18400-22400. The case of the applicant was duly examined in the Department and recommended strongly. He has also placed on record certain notings as Annexure A-12 (colly.), which have been obtained by him under Right to Information Act, 2005. From the notings, it appears that the applicant was the senior-most person and he was fully eligible for promotion to the aforesaid posts. On the representations of the applicant, the matter was processed at various levels and it was basically recommended that he may be entitled to the promotion, though notional. The applicant has also placed on record the list of the promotees, who were juniors to him, but were given promotions

under time bound promotion to the post of CMO (NFSG) and SAG. Neither the claim of the applicant has been considered, despite favourable notings, nor have his representations been disposed of by the respondents.

4. In view of the above circumstances, we dispose of this O.A. at the admission stage itself with direction to the competent authority to take decision on the representations of the applicant, particularly dated 20.10.2012 (Annexure A-14) and dated 16.01.2017 (Annexure A-17) and dispose of the same in the light of the notings placed on record by the applicant, as also taking into consideration the fact that the juniors to the applicants were already granted NFSG and SAG. Let decision be taken by passing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

October 23, 2017
/sunil/