

**Central Administrative Tribunal  
Principal Bench**

**OA No.3065/2017**

New Delhi, this the 6<sup>th</sup> day of September, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. Uday Kumar Varma, Member (A)**

Hukum Chand, Aged 59 years and 7 months  
S/o Sh. Nathu Ram,  
Administrative Officer, Group 'B' Post  
Kalawati Saran Children's Hospital  
Bangla Sahib Marg  
New Delhi-110001.

R/o RZ 9 Block A1  
New Dharampura, Mangal Bazar  
Najafgarh, New Delhi-110043.

..... Applicant

(By Advocate: Dr. Shambhuji)

**Versus**

1. Union of India through Secretary  
Ministry of Health and Family Welfare  
Nirman Bhawan, New Delhi-110011.

2. The Director General Health Services  
Director General Health Services  
Nirman Bhawan, New Delhi-110011.

3. Director, LHMC and SSKH and Associated  
Kalawati Saran Children's Hospital  
Bangla Sahib Marg,  
New Delhi-110001.

.... Respondents

(By Advocate: Shri Rajinder Nischal)

**ORDER (ORAL)**

**Justice Permod Kohli :-**

Issue notice to the respondents. Shri Rajinder Nischal,  
learned counsel, appears and accepts notice on behalf of  
respondents.

2. The applicant was appointed as Administrative Officer on ad hoc basis vide order dated 16.09.2008. Subsequently, a DPC was held on 22.10.2009 for filling up one post of Administrative Officer on regular basis. The DPC recommended the name of the applicant subject to the condition that the consent of the UPSC would be obtained before giving promotion. The matter was referred to the UPSC vide letter dated 15.12.2009 but the UPSC's consent was not received. The ad hoc promotion of the applicant was continued. The respondents have issued the impugned show cause notice dated 16.06.2017 asking the applicant to show cause as to why he be not reverted to the post of Office Superintendent and the process for filling up the post of AO be reinitiated by advertising it. Ten days time was given to the applicant to respond to the show cause notice. It is stated that the applicant has filed his response to the aforesaid show cause notice.

3. This OA has been filed by the applicant seeking to challenge the aforesaid show cause notice. Admittedly, no adverse order has been passed against the applicant. The applicant has already submitted his response to the show cause notice but the respondents are yet to take a decision thereon.

4. In view of the above circumstances, we dispose of this OA, at the admission stage itself, with the following directions:-

- (i) The respondents would take a decision on the show cause notice and the reply submitted by the applicant within a period of three months.

- (ii) In the event the respondents decide against the rights of the applicant, the said decision shall not be operative for a period of one month thereafter permitting the applicant to seek legal remedy.
- (iii) The decision shall be communicated to the applicant immediately and in any case, within one week from the date the decision is taken.

**( Uday Kumar Varma )**  
**Member(A)**

**(Justice Permod Kohli)**  
**Chairman**

/vb/