

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 4330/2017
M.A. No. 4506/2017

New Delhi, this the 8th day of December, 2017

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)

1. Dr. Sukhvir Singh
Aged 58 years (Group A)
Post - Joint Director, NVBDCP
S/o Shri Krapal Singh
R/o 5C, Press Block, Behind Vidhan Sabha,
Civil Lines, Delhi.
2. Dr. Pradeep Kumar Srivastava,
59+ years (Group A)
Post - Joint Director, NVBDCP
S/o Shri Bijai Kumar Srivastava
R/o 2/18, Flat No.100, Sector-2,
Rajendra Nagar, Sahibabad, Ghaziabad.
3. Dr. Rudra Kumar Das Gupta
Aged about 60 years (Group A)
Post - Joint Director, NVBDCP
S/o S.K. Das Gupta
R/o B-406, Sagar Appt., Sector 62, Noida.
4. Dr. Sh. C.S. Suri Babu
Aged about 59 Years (Group A),
Post - Joint Director, GMSD
S/o Late Shri C. Mahadeva Sastry
R/o F-1 Rahul Sukruti Apartments, Durai,
Sampath Road, Chinmaya Nagar,
Near Kumaran Nagar, Chennai-600092.
5. Dr. K.L. Ramesh
Aged about 59 years (Group A)
S/o Shri Obaiah
Post - Sr. Bio Chemist, RML Hospital
R/o Flat No.37/25, 2nd Floor,
Old Rajendra Nagar,
New Delhi-110060.

6. Dr. T.G. Thomas
Aged about 58 years (Group A)
S/o Shri K. George
Post - Joint Director, NCDC
R/o 119, SFS Flats,
Dr. Mukherjee Nagar, Delhi.
7. Dr. Kalpana Baruah
Aged about 56 years (Group A)
Post - Joint Director, NVBDCP
D/o Late H.N. Baruah
R/o E-115, Pragati Vihar,
Hostel Lodhi Road, New Delhi.
8. Dr. R. Rejendran
Aged about 56 years (Group A)
Post Joint Director, NCDC
S/o Shri P.G. Rama Chandran Nair
R/o Kadampattukouam, Paripally P.O.,
Kollam District,
Kerala State.
9. Dr. K. Regu
Aged about 55 years (Group A)
Post Joint Director, NCDC
S/o Late Shri M. Kunjupillai
3rd Floor, Kendriya Bhavan,
M.S. Baburaj Road,
Kallai, P.O., Kozhikode,
Kerala-03.
10. Dr. Roop Kumari
Aged about 53 years (Group A)
Post Joint Director, NCDC
D/o Late Ann Singh
R/o 47/10, Rajpur Road, Delhi-54.
11. Dr. Sunil Kumar
Aged 54 years (Group A)
Post Joint Director CRT
S/o Shri Krishan Lal
R/o CRI Kasauli (HP).
12. Dr. Ram Singh
Aged about 53 years (Group A)
Post Joint Director, NCDC,

S/o Late Shri Ulpat Singh
R/o 504, Maa Bhagwati Complex,
Boring Road, Patna.

13. Dr. Srinivas Rao
Age 58 years (Group A)
Post DADG, GMSD
S/o Late D.S. Rao
R/o Plot No.58, H.No.42-267,
Sramik Nagar, Hyderabad.
14. Dr. Shaukat Kamal
Aged about 50 years (Group A)
Post Joint Director, NVBDCP
S/o Shri K.A. Karimi,
R/o Muzafferpur (Bihar).
15. Dr. Shyamal Biswas
Aged about 66 years (Group A)
S/o Late Ranjit Biswas
Post Joint Director, NCDC
R/o No.7, 10th Cross, Monoraynapaly,
R.T. Nagar, P.O. Bangalore-32.
16. Dr. Ashok Kumar Mukhopadhyay
64+ years (Group A),
Post Joint Director, NCDC
S/o Late Amiya Kumar Mukhopadhyay
R/o 5/3, Cornfield Road, Kolkata-700019.
17. Dr. U.V. S. Rana
63+ years (Group A)
Post Joint Director, NCDC
S/o Late Shri Attar Singh
R/o H-28, G.S. Apartment, Rohini,
Sector 13, Plot 38, Delhi-85.
18. Dr. V.K. Raina
Aged about 64 years (Group A)
S/o Late Shri G.N. Raina
Post - Joint Director, NVBDCP
R/o B-22, Jaishiv Apartments, West Enclave,
Pitampura, Delhi-110034.
19. Dr. Kuldip Singh Gill
63+Years (Group A)

Post Joint Director, NVBDCP
 S/o Shri Pritam Singh Gill
 R/o B-1789/2, Shastri Nagar, Delhi-52.

20. Dr. Aravind Rai
 Aged about 61 years (Group A),
 S/o Shri Krishan Kumar Rai,
 Post - Joint Director NCDC
 Flat No.1405, Merrigold Tower, Sector 108,
 NOIDA Expressway, NOIDA-UP.
21. Dr. S.N. Sharma
 60+ years (Group A)
 Post - Joint Director, NVBDCP
 S/o Shri Parkash Chand
 R/o Flat No.201, B/2,
 Sector-17, Rohini, Delhi.
22. Dr. Kaushal Kumar
 Aged about 63 years (Group A),
 Post Joint Director, NCDC
 S/o Late Shri Jainty Prasad
 R/o 17/2 Bhola Nath Nagar
 (Behind Mother Dairy Booth)
 Shahdara, Delhi-110032.

.. Applicants

(By Advocate: Shri Sachin Chauhan)

Versus

1. Union of India
 (Ministry of Health & Family Welfare)
 Nirman Bhawan, New Delhi.
2. Director General of Health Services,
 Ministry of Health & Family Welfare,
 Nirman Bhawan, New Delhi.
3. The Secretary,
 Union Public Service Commission,
 New Delhi.
4. The Secretary,
 Department of Personnel & Training (DOP&T),
 North Block, Central Secretariat,
 New Delhi -110001.

.. Respondents

(By Advocate : Shri K.M. Singh)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard Shri Sachin Chauhan, learned counsel for the applicants and Shri K.M. Singh, learned counsel who appeared on behalf of the respondents No.1, 2 and 4 on receipt of advance notice.

2. MA 4506/2017 filed for joining together is allowed.
3. The applicants filed the O.A. seeking the following relief(s):

“(i) To direct the respondents to convene the Departmental Assessment Board under in-situ rule for promotion of non medical scientists from S-IV level to S-V level in a time bound manner based on the vacancies arises on 1st January and 1st July every year (in accordance of RR of non-medical scientists) since the year 2009-10 and if promoted then promotion to be given with retrospective effect with all consequential benefits as per judgment of Hon’ble Delhi High Court judgment dated 13.3.2007 in WPC No.18684/2005 which further being affirmed by Hon’ble Apex Court vide judgment 16.2.2012 in case of UOI Vs. Dr. Ashwani Kumar in Special Leave Appeal (C) No.24577-24578/2007.

Or/and

(ii) To pass any such other order as this Hon’ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

4. It is seen from the documents of the respondents themselves that the claim of the applicants had been accepted by the respondents. However, they could not conduct the required DPC

due to certain administrative issues, though the DPC was to be conducted way back in 2011 itself, even as per the respondents.

5. In the circumstances, the O.A. is disposed of at the admission stage itself, without going into the other merits of the case, by directing the respondents to consider the claim of the applicants and to take appropriate action as per the rules and to pass appropriate reasoned and speaking order thereon, within four months from the date of receipt of a copy of this order. No order as to costs.

Let a copy of the O.A. be enclosed to this order.

(NITA CHOWDHURY)
Member (A)

(V. AJAY KUMAR)
Member (J)

/Jyoti /