

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

O.A. No.4182/2014

Tuesday, this the 9<sup>th</sup> day of February 2016

**Hon'ble Mr. A.K. Bhardwaj, Member (J)  
Hon'ble Mr. V.N. Gaur, Member (A)**

1. The Central Government Hospital  
Radiographers Welfare Association  
E34B, LIG Flats, GTB Enclave  
Delhi-93  
Through its President  
s/o Manjit Rai Bahl  
s/o S R Bahl, age 50 years  
r/o E34-B, LIG Flats, GTB Enclave  
Delhi-93
2. Mr. S P Jain  
Son of late Mr. O P Jain  
Aged about 59 years  
Resident of XY 31  
Sarojini Nagar, New Delhi  
Posted as : Radiographer Supervisor
3. Mr. S K Bhardwaj  
s/o late Mr. H S Bhardwaj  
aged about 57 years  
r/o XY-29, Sarojini Nagar  
New Delhi  
Posted as : Radiographer Supervisor

..Applicants  
(Mr. Sudarshan Rajan and Mr. Ramesh Chandra Singh, Advocates)

Versus

Union of India & others

1. The Secretary  
Ministry of Health & Family Welfare  
Nirman Bhawan, New Delhi
2. The Director  
Directorate General of Health Services  
Ministry of Health & Family Welfare  
Nirman Bhawan, New Delhi

3. The Medical Superintendent  
VMMC & Safdarjang Hospital  
New Delhi

..Respondents

(Mr. Rajinder Nischal, Advocate for respondent Nos. 1 and 2 –  
Mr. V S R Krishna, Advocate for respondent No.3)

### **O R D E R (ORAL)**

#### **Mr. A.K. Bhardwaj:**

Mr. Sudershan Rajan, learned counsel for applicants espoused that the post of Junior Technical Officer (Imaging Service) should be filled up by promotion and the candidates should not be considered against the post on transfer on deputation. The prayer made in the Original Application reads thus:-

- “(a) The Hon’ble Tribunal may, quash and set aside the impugned annexure-A-1, A-2; A-3 issued by the Respondent no.2.
- (b) Direct the respondents to promote the applicant in the post of Junior Technical Officer (Imaging).
- (c) Direct the respondents to amend the Recruitment Rules of JTO & Feeder cadre i.e. Radiographers (Supervisor).
- (d) Direct the respondents to award the cost of the litigation.
- (e) Pass such other further order or orders as this Hon’ble Tribunal may deem fit and proper in the facts of the case and in the interest of justice.”

2. We see from the Recruitment Rules that there is only one post of Junior Technical Officer (Imaging Service) and as it may, the method for recruitment to the same is composite. The Schedule to the Rules reads thus:

Name of the post	Number of post	Classification	Scale of pay	Whether selection post or non-selection post
1	2	3	4	5
Junior Technical	1 (one)* (1996) * Subject to	General Central Service, Group	Rs.2000-60-2300-EB-75-	Not applicable

Officer (Imaging Service)	variation dependent on work- load	'B' Gazetted, Non-Ministerial	3200-100-3500	
Whether benefit of added years of service admissible under rule 30 of the Central Civil Services (Pension) Rules, 1972	Age limit for direct recruits	Education and other qualification required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	
6	7	8	9	
Not applicable	Not applicable	Not applicable	Not applicable	
Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation / transfer and percentages of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation / transfer grade from which promotion/ transfer to be made		
10	11		12	
Nil	Promotion/Transfer on Deputation	Promotion/Transfer on Deputation :  (I) Officers under the Central Government;  (a) (i) holding analogous posts on regular basis; or  (ii) with 3 years regular service in the scale of Rs.1640-2900 or equivalent; or  (iii) with 5 years regular service in posts in the scale of Rs.1600-2660 or equivalent; and  (b) possessing the following educational qualifications and experience;  (i) Diploma in Radiology from a recognised University/Institution or equivalent; and  (ii) 2 years' experience of imaging work in a department of imaging services.  (II) The Departmental Senior Radiographer (Supervisor) with 3 years' regular service in the grade or Senior Radiographer (Supervisor) with 5 years' combined regular service in the grades of Senior Radiographer (Supervisor) and Radiographer (Supervisor) will also be considered alongwith outsiders and in case he/she is selected for appointment to the post, the same shall be deemed to have been filled by promotion.		

		The departmental officers in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion. (Period of deputation including period deputation in another ex-cadre post held immediately preceding this appointment in the same / some other Organisation/ Department of the Central Government shall ordinarily not exceed 3 years. The maximum age limit for appointment by transfer on deputation shall be not exceeding 56 years at the closing date of receipt of applications).
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3. Once there is composite method for recruitment to the post in question, there is no infirmity in the action of the respondents in filling up the same in accordance with the rules.

4. The Original Application is found devoid of merit and is accordingly dismissed. However, learned counsels for the respondents fairly submitted that the candidature of the applicants would also be considered for the post in question. No costs.

**( V.N. Gaur )**  
**Member (A)**

**February 9, 2016**  
/sunil/

**( A.K. Bhardwaj )**  
**Member (J)**