

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

**O.A No. 272/2014**

This the 4<sup>th</sup> day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Ms. Aradhana Johri, Member (A)**

Dr. H. C. Bansal  
S/o. Dr. P. L. Bansal  
FR. Sr. C.M.O. I/C.,  
Chief Homeopathic Specialist  
R/o. M-12, FF (1),  
Green Park Extension,  
New Delhi – 16.

...Applicant

(By Advocate : Mr. Yogesh Sharma)

Versus

1. Union of India  
Through its  
Secretary Deptt. of Ayush  
Ministry of Health & Family Welfare,  
IRCS Building, 1, Redcross Road,  
New Delhi – 110 001.
2. Secretary, Ministry of Health & Family Welfare,  
Nirman Bhawan,  
New Delhi-110 011.
3. Secretary, DoPT  
North Block,  
New Delhi.
4. The Secretary, DoPT  
North Block,  
New Delhi.
5. Dr. Alok Kumar, Deputy Adviser  
Ayush, Ministry of Health & Family Welfare,  
IRCS Building, 1, Redcross Road,  
New Delhi – 110 001.

...Respondents

(None)

O R D E R (O R A L)

**Justice L. Narasimha Reddy, Chairman :**

The applicant retired as Chief Medical Officer from the Department of Ayush, Ministry of Health and Family Welfare on 30.04.2011. The Central Govt. evolved a scheme for grant of Non Functional Selection Grade (NFSG) to the ISM & H Physicians who are General Duty Medical Officers of CHS, through office memorandum dated 25.01.1999. The benefit was to be extended to such of the General Medical Officers in the Grade of Rs.14,300-18,300/- as have completed 14 years of regular service in Group 'A'. The cases of the applicant and certain others were considered while he was in service. However, the applicant did not come up to the level of eligibility in view of his personal gradings. On the representation, the gradings of the officers who were not found fit for upgradation, were revised. At that stage, the applicant filed O.A No. 1319/2011. The same was disposed of on 23.02.2012 directing the respondents to consider the case of the applicant as per rules, in view of the revised ACRs.

2. Through order dated 28.05.2013, the respondents extended the benefit of NFSG to the applicant but with effect from 25.11.2014. This O.A is filed with a prayer to

direct the respondents to extend the benefit of NFSG to the applicant with effect from 01.01.2000, by which time he completed 14 years of service.

3. The respondents filed counter affidavit opposing the O.A. According to them, the direction issued in the O.A was to consider the case of the applicant as per rules and in that office order dated 25.01.1999 itself, it was mentioned that the scheme shall be implemented as per the recruitment rules, which may amend in future and such amendment came into force in the year 2003. Other grounds urged by the applicant are also dealt with.

4. Heard Mr. Yogesh Sharma, learned counsel for applicant.

5. The process of extension of NFSG to the officers similarly situated as the applicant, was undertaken on 25.11.2004. The applicant did not come up for selection in view of the entries in his ACRs. On a representation made by him, ACRs have been revised and that paved way for consideration of his case for NFSG by the review Selection Committee. In the meanwhile, the rules were amended and different regime came into existence. Through

impugned order dated 28.05.2013 as many as 8 officers, including the applicant were extended the benefit of NFSG and all of them retired from service by that time. It is not as if the applicant is singled out in this context.

6. In case the officers who were found to be eligible in the first round were extended the benefit of NFSG with effect from 25.11.2004, the applicant cannot claim benefit with effect from any date anterior to that. If on the other hand, any officer who is junior to the applicant has been extended the benefit of NFSG with effect from any date, anterior to 25.11.2004, the applicant would also be entitled to that. This, however, is a matter for verification. The applicant can make a representation in this behalf duly mentioning the particulars of the other officers who were extended the benefit.

7. We, therefore, dispose of the O.A leaving it open to the applicant to make a representation indicating the instances if any, of the benefit of the NFSG being extended to officers similarly situated or junior to him, with effect from any date anterior to 25.11.2004. If the same is found to be correct, the respondents shall extend similar relief of the applicant also.

8. There shall be no order as to costs.

(Aradhana Johri)  
Member (A)

(Justice L. Narasimha Reddy)  
Chairman

/Mbt/