

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

Dated the Wednesday 7<sup>th</sup> day of February Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A.310/00148/2018

Dr. N. Elangswarn,  
Specialist Grade 1, Port Health Officer,  
Port Health Office,  
Chennai- 600 001.

.....Applicant

(By Advocate : M/s. R. Saravanakumar)

VS.

1. The Union of India,  
Rep. by its Secretary,  
Ministry of Health & Family Welfare,  
CHS Division, Nirman Bhavan,  
New Delhi- 110 001;
  
2. Director General of Health Services,  
Ministry of Health & Family Welfare,  
Nirman Bhavan, Moulana Azad Road,  
New Delhi- 110 108. .... ..Respondents

(By Advocate: Mr. K. Rajendran)

**O R A L   O R D E R**

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. This O.A. is filed by the applicant seeking the following relief:-

"to issue an order or direction, directing the 2<sup>nd</sup> respondent to consider the representation dated 30.01.2017 of the applicant for the grant of "Non functional upgradation" of Non-Teaching Specialist" sub cadre of Central Health Services in the Pay Band 4 with Scale of Rs. 37400-67000 + Grade Pay of Rs. 10,000 (Pre-revised) with effect from 03.01.2006 to the applicant."

2. The case of the applicant is that he was appointed as an Assistant Director (Microbiology) in the Central Health Services Cadre under the sub-cadre of Non-Teaching Specialists on 08.05.1987 at Central Leprosy Training and Research Institute (CLTRI), Chengalpattu, Tamil Nadu. He continued till 1998 as Deputy Director (Microbiology) and Joint Director (Microbiology). Subsequently, the applicant was posted to BCG Vaccine Laboratory, Guindy, Chennai as Director of the Institute. Thereafter, the applicant was appointed as Director on additional Charge to Pasteur Institute of India, Coonoor (Autonomous) and as regular Director of the Institute on 26.2.2006, in which post the applicant worked till 24.08.2008.

3. It is submitted that the Office Memorandum dated 10.12.2017 issued by the 1<sup>st</sup> respondent contained the names of officers entitled to "Non-functional up-gradation" in the year 2006 and were cleared from vigilance as on 01.01.2006 and 01.01.2007 respectively. The applicant's name found place in serial No.40 in the said OM. The applicant submits that based on the

order dated 10.01.2017, the applicant submitted a representation for financial upgradation on 30.01.2017. The applicant sent subsequent reminders on 15.2.2017 and 16.3.2017. There was no vigilance case pending as against the applicant as on 03.01.2006. As on 01.01.2007, the applicant was entitled to the benefit of "Non-functional upgradation" of Non Teaching Specialist" sub cadre of Central Health Services in the Pay Band 4 with Scale of Rs. 37400-67000 Grade Pay of Rs. 10,000/- (Pre-revised) with effect from 03.01.2006.

4. It is further submitted that the 2<sup>nd</sup> respondent forwarded the representation of the applicant to the 1<sup>st</sup> respondent by letter dated 17.3.2017 and again on 11.09.2017. However, no action has been taken by the 1<sup>st</sup> respondent till now and the applicant has not been given the benefit of "Non-functional upgradation" pay. The delay in grant of the "Non-functional up gradation" to the applicant has caused serious inconvenience and hardship. Hence, he has approached the Tribunal for consideration of his representation dated 30.01.2017.

5. Mr. K. Rajedran, Learned counsel takes notices on behalf of the respondents.

6. Learned counsel for the applicant submits that applicant made representations as at Annexures A/3 dated 30.01.2017; Annexure A/4 dated 15.2.2017 and Annexure - A/5 dated 16.3.2017 which are pending with the respondents. It is further submitted that the applicant would be satisfied if

the respondents are directed to dispose of the pending representations within a time frame.

7. Learned counsel for the respondents has no objection.
8. In view of the above, the O.A. is disposed of with a direction to the respondents to dispose of the pending representations dated 30.01.2017 followed by subsequent representations dated 15.2.2017 and 16.3.2017 within a period of two months from the date of receipt of copy of the order.
9. The O.A. is disposed of accordingly. No costs.

(R. RAMANUJAM)  
MEMBER(A)

7.2.2018

asvs.