

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH.

O. A. No. 350/ 1152 of 2017.

Dr. Alok Vajpayee, son of late  
Ganesh Prasad Vajpayee, aged  
about 60 years, Director Professor,  
Public Health, All India Institute of  
Hygiene & Public Health, under the  
Directorate General of Health  
Services, office at 110, C. R.  
Avenue, Calcutta - 700 073,  
residence at Flat No.4A1, Gokul  
Dham, 956, Jessore Road, P.O.  
Bangur, Dist. North 24 Parganas,  
Kolkata- 700 055.

... Applicant.

-Vs-

1. Union of India through the  
Secretary to the Govt. of India,  
Ministry of Health and Family  
Welfare, Nirman Bhawan, New  
Delhi- 110 011.

*all*

2. The Director General of Health Services, office at Nirman Bhawan, New Delhi- 110.011.
3. Dr. R. N. Choudhari, Director, All India Institute of Hygiene & Public Health, office at 110 C. R. Avenue, Kolkata- 700 073.
4. Dr. Madhumita Dobe, Director - Professor & Head, Department of Health Promotion and Education, All India Institute of Hygiene & Public Health, 110, C. R. Avenue, Kolkata- 700 073.
5. Dr. D. K. Raut, Director, Family Welfare Training & Research Centre, Parekh Building, 332, S. V. P. Road, Khetwadi, Mumbai- 400 004.

... Respondents.

*AO*

No. O.A. 350/01152/2017

Date of order: 17.8.2017

**Present:** Hon'ble Mr. A.K. Pattnaik, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. M.S. Banerjee, Counsel  
Mr. S.K. Dutta, Counsel

For the Respondents : Mr. T.K. Chatterjee, Counsel

**ORDER (Oral)**

**A.K. Pattnaik, Judicial Member:**

Heard Mr. M.S. Banerjee along with Mr. S.K. Dutta, Ld. Counsel for the applicant and Mr. T.K. Chatterjee, Ld. Counsel for the official respondents. Mr. Dutta produced certain proof stating that service has been made and which may be taken on record.

2. This OA has been filed by Dr. Alok Vajpayee, working as Director Professor, Public Health, All India Institute of Hygiene & Public Health under the Directorate General of Health Services challenging seniority list of Director-Professors as on 1.4.2017 issued on 23.5.2017 by the Ministry of Health & Family Welfare (CHS Division) and non-consideration of his representation dated 8.6.2017 against the Seniority List of Director – Professors so far as Public Health is concerned and not considering his case for promoting him to the next higher post of Director. This O.A. has been filed praying for the following reliefs:

“a) An order quashing and/or setting aside the impugned seniority list of Director – Professor dated 23.5.2017 so far as it relates to subject Public Health and also quashing and/or setting aside any order giving effect to the said impugned Seniority List .

b) An order directing the official respondents to assign proper seniority to the applicant in the post of Director-Professor under Sub-Cadre Teaching of Public Health by assigning his seniority above the private respondents and further directing the official respondents to grant all consequential benefits including monetary benefits, further promotion etc. on the basis of such Revised Seniority List of Director – Professor, Public Health after assigning his seniority above the private respondents.



c) An order directing the official respondents to produce/cause production of all relevant records.

d) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

3. The facts in a nut shell as per Mr. Dutta, Ld. Counsel for the applicant are that the applicant joined Central Health Service as Assistant Professor in All India Institute of Hygiene & Public Health and he is now working as Director - Professor in Sub-Cadre Public Health. He was earlier superseded by his juniors due to below Bench mark which was subsequently upgraded. Despite his upgraded Bench mark he was not considered for promotion by holding a Review DPC. He preferred an O.A. which was disposed of on 1.9.2015 and thereafter he was granted promotion w.e.f. 3.6.2010 but his juniors were promoted on 29.10.2008. He preferred a representation on 8.6.2017, which is still pending consideration.

4. Mr. Dutta, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 2 to dispose of the representation dated 8.6.2017 within a specific time frame.

5. Therefore, we dispose of this O.A. by directing the respondent No. 2 that, if any, such representation as claimed by the applicant have been preferred on 8.6.2017 and the same is still pending consideration, then the same may be considered and disposed of within a period of four weeks from the date of receipt of this order.

6. Though we have not entered into the merits of the case still then we hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 2 within a further period of 6 weeks from the date of such



consideration to extend the benefits to the applicant. However, if in the meantime the said representation stated to have been preferred on 8.6.2017 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

7. Though we have not expressed any opinion on the merits of the case still then we hope and trust that the authorities will not take any further coercive action against the applicant till the representation is considered and disposed of.

8. With the aforesaid observation and direction, the O.A. is disposed of.

9. As prayed for by Mr. Dutta, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Mr. Dutta undertakes to deposit necessary cost in the Registry by the next week.

(Dr. Nandita Chatterjee)  
Administrative Member

(A.K. Pattnaik)  
Judicial Member

SP