

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

O.A. No. 3879/2015
M.A. No. 3536/2015

The 16th day of April, 2019

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. ARADHANA JOHRI, MEMBER (A)**

1. Anita Sharma,
W/o Shri Girraj Sharma,
(Lab Technical Assistant)
R/o L-1/198B, DDA Flats Kalkaji,
New Delhi-110019.
2. Smt. Bimla Batra,
W/o Shri V.K. Batra,
(Lab Technical Assistant)
R/o 27/10, GF-IIInd,
Essel Appts, East Punjabi Bagh,
New Delhi-110026.
3. Smt. Jayashree Sivan,
W/o Shri Shivan Kutty
(Lab Technical Assistant)
R/o A-11, Plot No.A99, Extn. II,
Shalimar Garden, Gaziabad, U.P.
4. Smt. Rani Urmila,
W/o Shri Chander Prakash,
(Lab Technical Assistant)
R/o R-4, Sector-11, Noida, U.P.
5. Smt. Sudha Roy,
W/o Shri Sandeep Roy,
(Lab Technical Assistant)
R/o 201, Tagore Park,
Model Town-I, Delhi-110009.
6. Shri Raghuwinder Singh,
S/o Late Shri Ishwar Singh
(Lab Technical Assistant)
R/o H.No. 362/96, Type-II
Mirdard Lane, MAMC Campus,
New Delhi-110002.

.. Applicants

(By Advocate : Ms. Tamali Wad)

Versus

1. Govt. of NCT of Delhi through
Special Secretary,
Health & Family Welfare Department,
Delhi Sachivalaya, I.P. Bhawan
New Delhi-110001.
2. The Dean,
Maulana Azad Medical College,
2, Bahadurshah Zafar Marg,
New Delhi.

.. Respondents

(By Advocate : Shri Amit Yadav)

ORDER (ORAL)

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

Heard both the sides.

2. MA 3536/2015 filed for joining together is allowed.
3. The applicants, 6 in number and working as Lab Technical Assistants in the 2nd respondent – Maulana Azad Medical College, filed the O.A. seeking a direction to the respondents to convene the DPC for consideration of their cases for promotion to the post of Technical Supervisor for which they are eligible as per Annexure A-2 Recruitment Rules, which are in vogue.
4. Shri Amit Yadav, learned counsel appearing for the respondents, while not disputing the fact that the applicants are eligible for consideration for promotion to the post of

Technical Supervisor as per the Annexure A-2 Recruitment Rules, however, submits that since the process of Cadre Restructuring is going on in the department, the DPC is not convened and the same would be convened as and when things are materialized finally.

5. As on today, if the Annexure A-2 Rules are in vogue and applicable to the applicants, they are entitled for consideration of their cases for promotion to the post of Technical Supervisor as per the said Rules. The ongoing process for Cadre Restructuring cannot deprive the applicants from their right of consideration for promotion. It is the settled principle of law that promotion is not a right but consideration for promotion is the right of an employee.

6. In the circumstances, the O.A. is disposed of by directing the respondents to consider the cases of the applicants for promotion to the post of Technical Supervisor, if they are eligible in terms of the Rules in vogue, in accordance with law. The necessary exercise shall be completed within four months from the date of receipt of a certified copy of this order. No order as to costs.

(ARADHANA JOHRI)
Member (A)

(V. AJAY KUMAR)
Member (J)

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