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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 11.09.2025

+ W.P.(C) 1545/2019

DR. M.D. ARYA & ORS

.....Petitioners

Through: Mr. T.N. Singh, Mr. Sham
Chand and Ms. Rajshree Singh,
Advs.

versus

UNION OF INDIA & ANR

.....Respondents

Through: Ms. Monika Arora, CGSC with
Mr. Subhrodeep Sahu, Mr.
Prabhat Kumar, Ms. Anamika
Thakur and Mr. Abhinav
Verma, Advs. for R-1/UOI.
Mr. Sunil Narula and Ms. Isha
Thakur, Advs. for R-2/CCRH.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 23.10.2018 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1421/2013, titled ***Dr. M.D. Arya & Ors. v. Union of India through Secretary & Anr.***, dismissing the O.A. filed by the petitioners herein.

2. The petitioners had filed the above O.A. contending therein that they all are working as Research Officers (Homeopathy) Scientist-3 in the Central Research Institute (Homeopathy)- respondent no.2 herein and other similar units spread all over India and have been granted



two financial upgradations. The third financial upgradation to the post of Scientist-4 was due to them on 23.03.2011.

3. They contend that OM dated 2nd/3rd September, 2008 issued by the Department of Ayush, Ministry of Health & Family Welfare, Government of India, that is, respondent no.1 herein, provides that on completion of five years of regular service in the scale of pay of Rs. 3700-5000/- (Revised scale of Rs. 12000-16500/-) on basis of assessment, the Scientist-3 Level Officers shall be promoted to the Scientist-4 Level in the scale of pay of Rs. 4500-5700 (Revised scale of Rs. 14300-18300/- equivalent to the post of Director (Institute/ Joint Director Hqs) in the Research Councils). These promotions were to be made on principles of In-Situ Promotion without any reference to the vacancies, on the basis of assessment and subject standard of performance except for medical doctor and non-medical scientist. An Assessment Board and its constitution was also indicated in the annexures to this O.M. The seniority of officers in each grade was to be determined in accordance with their date of initial appointment.

4. A corrigendum thereto was issued on 03.03.2009 and thereafter, by an O.M. dated 30.04.2010, it was directed that the Department of Health (Group-A Gazetted Non-Medical Scientific and Technical Posts) In-Situ Promotion Rules, 1990, would be applicable with retrospective effect from 23.03.2001.

5. The petitioners were aggrieved of the fact that though they had become entitled to In-Situ promotion to the Scientist-4 Level with effect from 23.03.2011, the same was not extended to the petitioners.

6. The petitioners, therefore, approached the learned Tribunal



making the following prayers:

- “(i) The respondents may be directed to consider grant In-situ promotions from grade S-3 to S-4 to the applicants Doctors working in CCRH in accordance with the Scheme, 2008;*
(ii) The respondents be directed to grant promotion from Grade S-3 to S-4 under the Scheme, 2008 promotions to the applicants, after completion of 5 years of satisfactory service in the feeder grade;
(iii) Quash and set-aside the Office Order No. 722/2013 Dated 21.1.2013 and Office Order No. 724/2012 and No. 727/2012 Dated 31.5.2012 as constitution of Departmental Assessment Board was illegal and criteria adopted was illegal;
(iv) All consequential benefits may be granted to the Applicants.
(v) Any other relief, which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case, may also be passed in favour of the Applicants;
(vi) Cost of the proceedings be awarded in favour of the Applicants and against the Respondents.”

7. The learned Tribunal by its Impugned Order, however, dismissed the O.A. filed by the petitioners herein, observing therein that the case of the petitioners had been considered by the Department Assessment Boards (DAB) and the petitioners had not been found to be fit for promotion. It was further observed as under:

- “9. It is fairly well settled that the Court or Tribunal cannot review the assessment made by a selection committee or DPC or DAB, as in this case. The applicants are not able to point out as to which category of research work undertaken by them has not been taken into account by the DAB.*
10. The upgradation or promotion of Scientists of a particular category to a higher level is not a matter of course. The promotion is not of ordinary employees. They are already holding posts of



Scientists of fairly higher level. One naturally expects the research work of a particular standard from them. If they have not chosen to undertake research or satisfy the DAB as regards their eligibility to be promoted, one cannot help it.”

8. The learned counsel for the petitioners reiterates that in terms of the O.M. dated 2nd/3rd September, 2008 read with the O.M. dated 30.04.2010, the In-Situ promotion was to be granted on completion of five years of service in level of Scientist-3. The petitioners having completed the said service period on 23.03.2011, were not considered by the respondents for the years 2011 and 2012, but only for the year 2013, thereby delaying their promotion arbitrarily.

9. On the other hand, the learned counsel for the respondents, pursuant to our Order dated 12.08.2025, has produced before us the Minutes of Meetings of the Department Assessment Board(s) dated 24.04.2012, 3rd/4th January, 2013, and 28.06.2013. He submits that the DAB, in its meeting of 24.04.2012, deferred the consideration of the case of the officers eligible for grant of In-Situ promotion to Scientist-4 level, recommending that these candidates be called for interview as per the provisions of the O.M. dated 30.04.2010. Accordingly, the case of the petitioners was deferred in the said meeting. The case of the petitioners was thereafter considered by the DAB held on 3rd/4th January, 2013 which, after a detailed evaluation of the ACRs of the Officers, assessment of publications of these officers, research knowledge assessed by interview, recommended 23 candidates for promotion to Scientist-4 level with effect from 23.03.2011 and 3 candidates with effect from 23.03.2012. As far as the petitioners are concerned, they were declared ‘unfit’ for promotion.



10. He submits that the case of the petitioners was again considered by the DAB held on 28.06.2013, wherein the petitioners were found fit for promotion and were accordingly given such promotion with effect from 23.03.2013.

11. The minutes of the DAB produced by the learned counsel for the respondents be placed on record.

12. We have perused the minutes of meetings of the DAB(s) produced by the respondents in support of the above assertions. We find that the case of the petitioners has been considered by the DAB(s) in accordance with the relevant OMs, and this Court, in exercise of its jurisdiction under Article 226 of the Constitution, cannot reassess the candidates on merit. The petitioners having been declared 'unfit' for promotion by the DAB for the years 2011 and 2012 and having been granted such promotion for the year 2013, cannot raise any grievance before us on the same.

13. Accordingly, we find no merit in the present petition, the same is disposed of.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 11, 2025/bs/k/ik