

**CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
61/35, COPERNICUS MARG, NEW DELHI-110001**

Item no.: 6
O.A./4609/2025 (DELHI)
[SELECTION]
Court No.: 3

Order Sheet

No of Adjournment:

Order Dated: 01/12/2025

**DR RANVINDER KAUR
Vs
HEALTH AND FAMILY WELFARE**

For Applicant(s) Advocate : Mr. Pradeep Verma

For Respondent(s) Advocate : Advocate name not given

Notes of The Registry	Order of The Tribunal
	<p>By way of this OA, the applicant seeks the following relief:</p> <p>8. <i>Relief Sought:</i></p> <p>a) <i>Quash and set aside the circular dated 13.11.2025 issued in pursuance to the rotational policy contained in the OM dated 17.05.2024.</i></p> <p>b) <i>Quash the OMs dated 10.01.2023, 11.04.2023, 28.03.2024, 17.05.2024 and 13.09.2024, issued by the Ministry of Health & Family Welfare, to the extent they impose a tenure of three years and restrict holding of the post of Head of Department to a maximum of two terms of three years each; Direct that the Applicant be permitted to continue holding the position of HOD until attaining the age of 62 years.</i></p> <p>c) <i>Declare that the Applicant is entitled to continue to hold the post of Head of Department, Critical Care Medicine, as an administrative position under the CHS (Amendment) Rules, 2019 read with OM dated 19.07.2016, until attaining the age of 62 years;</i></p> <p>d) <i>Direct the Respondents not to disturb, remove, displace or revert the Applicant from the post of Head of Department and to permit her to continue to discharge duties uninterrupted until the statutory age of 62, in accordance with the prevailing Rules;</i></p> <p>e) <i>Direct the Respondents to decide the pending representations of the Applicant within a time-bound manner and communicate a reasoned order;</i></p> <p>f) <i>Pass any other or further order(s) as this Hon'ble Tribunal may deem fit and proper in the interests of justice.</i></p> <p>9. <i>INTERIM RELIEF</i></p>

Pending the hearing and final disposal of the present Original Application, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

g) Stay the operation, implementation and effect of the circular dated 13.11.2025 issued in pursuance to the rotational policy contained in the OM dated 17.05.2024.

h) Stay the operation, implementation and effect impugned Office Memoranda dated 10.01.2023, 11.04.2023, 28.03.2024, 17.05.2024 and 13.09.2024 qua the Applicant; and

i) Restrain the Respondents from initiating, processing, continuing with, finalising or giving effect to any recruitment, selection, interview, empanelment, advertisement or appointment process for the post of Head of Department, Critical Care Medicine, ABVIMS & Dr. RML Hospital, including any ongoing or proposed selection pursuant to the impugned OMs, and maintain status quo as on date in respect of the Applicant's position; and

j) Pass such other or further interim order(s) as this Hon'ble Tribunal may deem fit in the interests of justice.

2. Highlighting the facts of the case, learned counsel for the applicant stated that the applicant has completed over seventeen years of continuous service in Anaesthesiology and Critical Care Medicine in the Central Health Service. He states that vide Circular dated 31.10.2025, the respondents invited applications to the post of Head of Department (HoD) in three Central Government Hospitals and associated Medical Colleges, however, the post of Critical Care Medicine was not advertised at that stage. The applicant, not attaining the statutory upper age limit of 62 years, duly submitted her application. However, respondent no. 3 did not recommend her candidature. He further submits that the applicant is the only person who is at level 14, being the senior-most.

3. Learned counsel for the applicant would submit that Regulation 3 of NMC, TEQ, Regulations, 2022 lays down the general norms for the appointment of teaching faculty and administrative staff in Medical Institutions. Regulations 3.9 and 3.10 of the same read as under:

3.9 The Heads of the Departments of broad and super speciality courses shall possess a recognized Postgraduate broad speciality and super speciality degree, as the case may be, in the concerned speciality. This mandatory requirement is relaxed for five more years from the date of notification of this Regulation to all the Broad and Super Speciality courses which were started after 01 January, 2009.

3.10 Appointments to the administrative posts in Government Institutions including the in-charge arrangements, amongst eligible candidates, shall be on inter se vertical seniority based on date of entry into the Institution/Government Service..."

4. Learned counsel for the respondents, on the other hand, opposes the grant of interim relief to the applicant. He states that the post of HoD is as such an administrative post at the discretion vested with the executive which cannot be considered a promotional post. He further submits that the applicant till date has not been removed and the policy decision cannot be interfered in judicial review. He seeks two weeks' time to obtain instructions.
5. Having heard the learned counsel for the parties, we observe that aforesaid clause 3.10 is explicitly clear. Being the senior-most at level 14 position, we fail to understand as to why in an administrative decision the Ministry is interfering concerning critical care units which may affect the working of premier hospitals like RML etc.
6. It is also noted that the applicant has made an organised attempt to move an application in terms of the Circular mentioned above. It is not in dispute that there is no complaint or any adverse comment on behalf of the competent authority vis-à-vis the applicant while performing the duties as the HoD since 07.09.2019.
7. A forwarding letter issued by the competent authority in respect of the application also speaks of the same, only with a rider that it has to be looked at in terms of the impugned Circular dated 13.11.2025. The applicant has made out a *prima facie* case inasmuch as clause 3.10 of the above regulation clearly states that appointments to the administrative posts in Government institutions shall be on *inter se* vertical seniority-based.
8. In view of the above, as an interim relief, respondents are directed not to give effect to the impugned OMs dated 10.01.2023, 11.04.2023, 28.03.2024, 17.05.2024 and 13.09.2024, *qua* the applicant.
9. Issue notice.
10. Respondents are given four weeks' time to file reply. Thereafter, the applicant shall file rejoinder within a period of two weeks.

11. Learned counsel for the parties are at liberty to seek modification/vacation of this order, if so required, by way of appropriate remedy.

12. List on 04.02.2026.

RAJINDER KASHYAP
MEMBER (A)

Kshitij Saxena
(court master)

MANISH GARG
MEMBER (J)