
(2020) 09 CAT CK 0007

In the Central Administrative Tribunal

Case No : Original Application No. 1199 Of 2020

Rajveer Singh Chauhan

APPELLANT

Vs

Director General & Others

RESPONDENT

Date of Decision : 02-09-2020

Acts Referred:

Citation : (2020) 09 CAT CK 0007

Hon'ble Judges : A.K. Bishnoi, Member (A); R.N. Singh, Member (J)

Bench : Division Bench

Advocate : Rajesh Kumar, Raj Pal Singh

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

1. Learned counsel for the applicant submits that applicant had applied for the post of Nursing Assistant vide Application reference no. ESICP121305 and he was allotted Roll- No.216157170125 for the relevant examination therefor. He further submits that the applicant was finally found eligible and was selected for the said post. He further submits that though the applicant had reported at the directed place, i.e., ESIC Hospital Bareilly on 16.10.2019 but respondent no.3 has not appointed the applicant and has not allowed him to join the service.

2. Learned counsel for the applicant further submits that aggrieved of the aforesaid, the applicant has preferred representation dated 28.12.2019 (Annexure A4) and legal notice dated 28.12.2019 (Annexure A5). However, without appreciating the facts and circumstances in the right perspective, the respondents have issued the impugned letter dated 2.1.2020 (Annexure A1).

3. Learned counsel further argues that the applicant has further made a representation dated 5.3.2020 (Annexure A7) for redressal of his grievance. However, the same is pending consideration of the respondents even after lapse of more than five months. In the aforesaid background, the applicant has filed

the present OA praying for the following reliefs:-

"(a)Quash and set aside the impugned Order F. No.ESICH/ELY/ Rajveer Singh Chauhan/ Staff Nurse/2019 dated 02.01.2020 for pendency of the appointment of the applicant for the services of the applicant from his respective post and declare and pass an order for the appointment of the applicant against the vacancy reserved of him.

(b)Declare and hold that the denial of the appointment against the vacancy of the applicant by the Employee State Insurance Corporation Hospital, Bareilly is vitiated and there is no illegality and irregularity to give the appointment against the vacancy and declare that the appointment of the applicant is not against the process of law.

(c)Any other order that may be deemed fit and appropriate in the circumstances of the case may also be passed."

4. Issue notice.

5. Shri Raj Pal Singh, learned counsel for the respondents, who appears on advance service, accepts notice.

6. At this stage, learned counsel for the applicant submits that the applicant will be satisfied if the present OA is disposed of at this very stage with direction to the respondents to consider the applicant's aforesaid representation dated 5.3.2020 (Annexure A7) and to dispose of the same by passing a reasoned and speaking order in a time bound manner.

7. We have considered the submissions made by learned counsel for the parties. We are of the considered view that if such a request of the learned counsel for the applicant is acceded to, no prejudice is likely to be caused to the respondents.

8. In view of the aforesaid, without going into the merit of the claim of the applicant, we dispose of this OA with direction to the respondents to consider the claim of the applicant in his representation dated 5.3.2020 (Annexure A7) and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within eight weeks of receipt of a copy of this Order.

9. The present OA is disposed of in aforesaid terms. No order as to costs.