

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 382/2003 in OA 52/2002

New Delhi, this the 11th day of November 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Sh. S.A.Singh, Member (A)

Ms. Shabana
D/o Mr. Ali Hassain
working as Staff Nurse
Aruna Asaf Ali Govt. Hospital
5, Raipur Road, New Delhi.

...Applicant

(By Advocate Sh. Y.D.Nagar)

V E R S U S

1. Sh. S.P. Aggarwal
Secretary, Health & Family Welfare
Govt. of NCT of Delhi
Delhi Sachivalaya
I.P.Estate, New Delhi - 110 002.

2. Dr. R.N. Baishya
Director of Health Services
Govt. of NCT of Delhi
Swasthya Sewa Nidhiyalva
F-17, Karkardooma, Delhi.

...Respondents

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, VC (J)

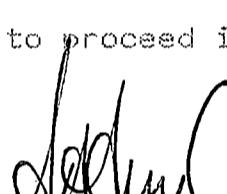
We have heard the learned counsel for the petitioner in CP 382/2003.

2. From the averments made by the petitioner, we note that the main grievance is that the respondents have failed to give due weightage to her past experience and service rendered by her in terms of Tribunal's directions dated 5-3-2002 in OA 52/2002. However, we note that the relevant documents supporting these averments, including the fact whether the petitioner had applied against the employment notice dated 21-1-2002 and other details are absent in the Contempt Petition. In paragraph 3 of the petition, it is stated that the respondents have again advertised on 4-10-2003 notifying 290 posts of Staff

Nurses out of which 83 posts have been reserved for OBC category. Her grievance is that there is no mention ~~of~~ of weightage required to be given to the experienced Nurses for the services.

3. Taking into account the facts and submissions made by the petitioner in CP 382/2003, we do not find any prima facie case made out by the petitioner to come to the conclusion that the respondents have deliberately or wilfully violated the directions of the Tribunal given in the order dated 5-3-2002 in OA 52/2002. There is not even an averment that the petitioner had applied against these posts and was also otherwise eligible, with or without weightage ~~for~~ ^{for} being given for her experience and service as contained in the aforesaid order of the Tribunal.

4. In this view of the matter, CP 382/2003 in OA 52/2002 is dismissed, with liberty to the petitioner to proceed in the matter in accordance with law.



(S.A. Srinivasan)
Member (A)



(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

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