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Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.2902/2002

Tuesday, this the 12th day of November, 2002

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Mr. A.P. Nagrath, Member (A)

Dushyant Kumar Garg
c/o Sh. Vinod Kumar Garg
H 28, Dalaji Garments
Mansovar Park
Near Man Singh Ki Bathok
Shahdara, Delhi 32

..Applicant

(By Advocate: Shri Pradeep Gupta)

Versus

1. National Capital Territory
through its Secretary
Deptt. of Health & Family Welfare
9th Level, A-Wing, Delhi Sectt.
I.P.Estate, New Delhi 2
2. Mr. Om Prakash Sharma
Rol No. 14040055
c/o Secretary
Deptt. of Health & Family Welfare
9th Level, A Wing, Delhi Sectt.
I.P.Estate, New Delhi 2

..Respondents

O R D E R (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, VC (J)

Heard Shri Pradeep Gupta, learned counsel for the applicant.

2. The applicant is aggrieved by the action of the respondents in not displaying his name in the select list of successful candidates for the post of Technical Assistant Group II which, according to him, was pasted on the notice board on 31.10.2002. Learned counsel has submitted that the applicant's name/roll No. 14040021 was published on 12.10.2002 by the respondents in leading news papers, copy of which is placed at Annexure A-15. However, when the impugned select list was displayed on

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the notice board, the applicant submits that his name has been deleted from the select list of seven successful candidates and instead one other candidate, namely, respondent No.2 (wrongly mentioned as respondent No.3 in the OA), has found place at Sl.No.3 with roll No.14040055. Learned counsel has submitted that the roll number of respondent No.2 has no-where figured in the result of the written test for para medical posts published by the respondents in the news-paper (Annexure A 5).

3. We note that the applicant has made a representation to the respondents on 2.11.2002 bringing out the above facts. Learned counsel has submitted that he has no objection if the respondents are directed to dispose of the representation, subject to the applicant being given some reasonable time, say two weeks, in case the order passed by the respondents is adverse to the interests of the applicant. He has, therefore, ^{submitted} that his name may be substituted in place of respondent No.2 whom he states ~~that~~ ^{has} been wrongly placed there, as that person has not been shown as successful in the written test. Learned counsel has also submitted that there has been no further interview for this post after ^{the} ~~the~~ written test. This OA has been filed on 8.11.2002.

4. Noting the above facts and submissions of the learned counsel for the applicant, as we note, inter alia, that the applicant has made a representation to the respondents only on 2.11.2002 and has not given sufficient time to them to consider the same, we consider

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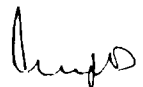
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it appropriate to dispose of this OA with the following directions, without issuing notice to the respondents in the interest of justice:-

Respondent No.1 is directed to consider the aforesaid representation of the applicant dated 2.11.2002 together with the grounds taken by the applicant in the present application and dispose of the same by a reasoned and speaking order. The orders shall be communicated to the applicant within four weeks from the date of receipt of a copy of this order.

In the circumstances of the case, in case the respondents reject the applicant's claim and averments as above, their order appointing any other candidate shall not be given effect to for a period of two weeks.

5. Let a copy of this order along with a copy of the OA be given **Dasti** to the learned counsel.


(A.P.Nagrath)
Member (A)


(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)

/sunil/