

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00418/2019

DATED THIS THE 31ST DAY OF JANUARY 2020

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI CV. SANKAR, MEMBER (A)

Dr. Divakar S.V,
S/o Venkataswamy S.J.,
Aged about 57 years,
Working as Principal,
Bharatha Ratna Dr. B.R. Ambedkar,
Medical College, Kadugondanahalli,
Bengaluru-560 045.
Residing at No.5, Godavari,
1st A-Main Road,
Near LR Bande KEB Office,
Chinnanna Layout, Kavalabyrasandra,
Bengaluru--560 032.

...Applicant.

(By M/s Subba Rao & Co.. Advocate)

Vs.

1.The Union of India,
Represented by its Secretary,
Department of Labour and Employment,
Ministry of Labour
No.110,Shrama Shakthi Bhavan,
Rafi Marg, New Delhi

2.The Employees State Insurance Corporation,
Represented by its Director General,
Panchadeep Bhavan, CIG Marg,
New Delhi – 110 002

3.The Deputy Director (Recruitment)
Employees State Insurance Corporation,
Panchadeep Bhavan, CIG Marg,
New Delhi – 110 002

....Respondents

(By Shri Vishnu Bhat, Senior Panel Counsel)

ORDER (ORAL)HON'BLE DR. K.B. SURESH, MEMBER(J)

1. Heard. Applicant had filed this claim on the basis that he belongs to SC community and he feels that since there are 23 posts of Dean all over India, it should have been on the basis of the roster point and hence this particular institution should have been earmarked for SC and not as OBC as was done by the respondents. We will deal with the preliminary matter first of all. Applicant cannot choose which all institutions under the system of the ESI organization should come within the parameter OBC or SC. It is just an administrative subject, even though the roster points also will actually be looked into. The way the roster points are looked into is that it is looked into generally to determine the number of posts each community can have, not which community can be accommodated at any particular place. At least, this discretion must rest with the Administration.

2. Since the applicant had filed this matter and had obtained an interim stay, the matter was kept in limbo by the respondents also. Now they have withdrawn the offending notification which was not agreeable to the applicant and issued a fresh notification for contractual appointment. During the interregnum we see nothing wrong in it. In any case under the MCI regulation these posts have to be filled up, whether it is filled up in terms of contractual appointment or on deputation or on direct recruitment is the matter to be taken up

by the concerned authority and applicants have no role to play in it other than be eligible to apply for that posts if they fall within the parameters.

3. It also appears that applicant may not be able to apply because he has crossed the age bar . Therefore, there is no merit in the OA. OA dismissed. No order as to costs.

(CV. SANKAR)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the Applicant in OA.No.418/2019

Annexure- A1: Copy of the MBBS Certificate issued by the Bangalore University.

Annexure- A2: Copy of the M.D. (Community Medicine) Certificate issued by the Bangalore University.

Annexure- A3: Copy of the Service Certificate issued to the applicant.

Annexure- A4: Copy of the Certificate of Registration on dated 3.6.1991

Annexure- A5: Copy of the Caste Certificate evidencing that the Applicant belong to Scheduled Castes Community.

Annexure- A6: Copy of the Notification dated 4.9.2017

Annexure- A7: Copy of extract copy of the ESIC (Medical Teaching Faculty posts) Recruitment Regulations, 2015.

Annexure- A8: Copy of interim order dated 2.11.2017

Annexure A-9:Copy of final order dated 20.4.2018 in OA.624/2017

Annexure A-10:Copy of impugned employment notification in employment dated 16/22.2.2019

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