

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

26/02/2020

O.A./260/95/2020

GOVINDA CHANDRA SAMAL

-V/S-

ALL INDIA INSTITUTE OF MEDICAL SCIENCES

ITEM NO:17

FOR APPLICANTS(S) Adv. :

Mr. P. K. Jena

FOR RESPONDENTS(S) Adv.:

Mr. J. K. Nayak

| Notes of The Registry | Order of The Tribunal |
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| | <p>Heard Learned counsel for the applicant and Mr. J. K. Nayak who appears on behalf of the respondents. Registry to reflect the name of Mr. J. K. Nayak as respondents counsel in future cause list. Applicant's counsel submitted that his candidature for Technical Officer under AIIMS was rejected vide order dated 13.02.2020 (Annexure A/9) on the ground that he does not have necessary experience in support of 10 years of experience for the said post. It is submitted that his experience of about three years as per the certificates placed in page no 32 of the OA was probably not taken into account. Learned counsel for the respondents submitted that Respondent No. 1 (Union of India, through Secretary) should not be one of the respondent, since AIIMS is an autonomous body under the Ministry of Health & Family Welfare. He also submitted that applicant's experience after obtaining the educational qualification is to be taken into account as per the note below para 2 of the advertisement at A/1. Learned counsel for the applicant submits that no institutions was available in State at that time to enable the applicant and similarly placed persons to acquire the required experience. It is further submitted aht as per para 14 of the advertisement, the authority can relax the experience criteria. In view of the said</p> |

circumstances, the authority could have exercised their discretion as per para 14 of the advertisement to the applicant who claims to have acquired the experience before passing the essential qualification in question, but in the representation at Annexure A/8, the applicant has not mentioned the said aspect specifically and subsequently the said representation has been rejected vide Annexure A/9.

In the peculiar circumstances as above and without going into merits of the case, this Tribunal feels that the matter can be considered by the Competent Authority in case the applicant files suitable representation in this regard within 7 days from today before Respondent No. 4 requesting for such relaxation, so that the authorities will decide the matter after taking into account the circumstances and facts for the purpose of exercising their discretion at para 14 of the advertisement in respect of the applicant and shall pass a speaking and reasoned order which should be communicated to the applicant within two weeks from the date of receipt of the representation from the applicant as above. Till such communication of the order is made to the applicant one post for the category in question shall not be filled up.

The OA stands disposed of accordingly. The authorities shall also take into consideration the grounds stated in the OA of this case for the purpose of considering the prayer. Learned counsel for applicant undertakes that a copy of OA shall be submitted with necessary documents along with representation.

Copy of the order to learned counsel of both the sides.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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