

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00070/2019

Reserved on : 08.01.2020

Jodhpur, this the 15th January, 2020

CORAM

Hon'ble Smt Hina P. Shah, Judicial Member

Hon'ble Ms Archana Nigam, Administrative Member

1. Parsa Ram S/o Shri Ganga Ram, aged about 28 years, resident of 53, Khasra No. 17/4, Jhalamand, Jodhpur.
2. Jaiprakash S/o Shri Hira Lal, aged about 28 years, resident of 34-F/25, Chopasani Housing Board, Jodhpur.
3. Dungra Ram S/o Shri Lala Ram, aged about 27 years, resident of 187/23, Chopasani Housing Board, Jodhpur.
4. Hansraj Sharma S/o Shri Navaratan Sharma, aged about 28 years, resident of 34-F/25, Chopasani Housing Board, Jodhpur.
5. Manoj Kumar Poonia S/o Shri Ranjeet Singh, aged about 30 years, resident of House No. 86, Karni Nagar, Jodhpur.
6. Prakash Gehlot S/o Shri Tara Ram, aged about 30 years, resident of Village and Post Teerwa Via Gundoj, District Pali.
7. Ghanshyam Dholpuria S/o Shri Satyanarayan Dholpuria, aged about 28 years, resident of Nokha Road, Near Issarchand Sethiya Guest House, Bhinasar, District Bikaner.
8. Ankit Kumar Agarwal S/o Shri Kailash Chand Agrawal, aged about 27 years, resident of 124/45, Agarwal Farm, Mansarovar, Jaipur.
9. Vikas Lata S/o Shri Chhigan Lal, aged about 31 years, resident of Ward No. 08, Brahamin Mohalla, Sabalpura (Rural), Sikar.
10. Kamlesh Kumar S/o Lekhraj, aged about 27 years, resident of 23/54, Chopasani Housing Board, Jodhpur.
11. Parsa Ram S/o Sava Ram, aged about 31 years, resident of Village and Post Bhalni (Rupa Ki Dhani) Tehsil Bagoda, District-Jalore.
12. Goma Ram Jat S/o Shri Dheera Ram Jat, aged about 31 years, resident of 17/693, Chopasani Housing Board, Jodhpur.

13. Deva Ram S/o Sh. Hansa Ram, aged about 28 years, resident of village Pichawa, post Lapod, Tehsil Rani, District – Pali.
14. Dinesh Kumar S/o Shri Ram Lal, aged about 27 years, resident of village Bada Bhadvi, Post Bhadvi, Tehsil Bagoda, District – Jalore.

.....Applicants

By Advocate : None present.

Versus

1. The Union of India through the Secretary, Ministry of Health & Family Welfare, Govt. of India, New Delhi.
2. The Secretary, Ministry of Finance, Govt. of India, New Delhi.
3. All India Institute of Medical Science, Jodhpur through its Director.
4. The Administrative Officer, All India Institute of Medical Science, Jodhpur.

.....Respondents

By Advocate : Mr K.S. Yadav.

ORDER

Per Smt. Hina P. Shah

This Original Application has been filed by the applicants under Section 19 of Administrative Tribunals Act, 1985 seeking following reliefs:

- i) By an appropriate order or direction, the respondents be directed to fill up the 75% of the posts of Nurse Grade-I by promotion first and thereafter, be permitted to fill up the posts by direct recruitment in pursuance of the advertisement dated 28.05.2018 and if the applicants are found eligible for the same, they be promoted to the said posts with all consequential benefits.
- ii) Applicants may be allowed to file Joint Application.

2. We heard Mr K.S. Yadav, learned counsel for the applicant to finally dispose of the matter on merits as after issuance of notices on 26.03.2019, either applicants or his counsel have not appeared before this Tribunal on all the dates viz. 24.05.2019, 23.08.2019, 13.11.2019, 06.01.2020. On 13.11.2019, despite allowing one more opportunity to argue the matter on preliminary objections raised by the respondents, neither the applicants nor his counsel appeared before this Tribunal on 06.01.2020. Therefore, the matter was posted for today for deciding the same on merits in view of preliminary objections raised by the respondents. It is unfortunate that applicants or his counsel were not present on 8th January, 2020 even on second call also. Accordingly, in view of facts and circumstances of the case, we decide the matter after having heard learned counsel for the respondents and considering whatever pleadings available on record.

3. The applicants herein are seeking direction on the respondents promotion to fill up 75% vacant posts of Senior Nursing Officer (Nursing Grade I) by promotion first and thereafter fill remaining vacant posts by direct recruitment in pursuance of advertisement dated 28.05.2018. Further, applicants have sought that if they are found eligible for the same, they may

also be promoted to the said posts alongwith all consequential benefits.

4. The applicants are presently working on the post of Nursing Officer (Staff Nurse Grade-II) and are under probation of 2 years as per recruitment rules. The post of Nursing Officer is feeder post for promotion to the post of Senior Nursing Officer in the cadre and eligibility criteria for promotion on the post of Senior Nursing Officer is 03 years' regular service in the grade of Nursing Officer. On perusal of record as well as after hearing Mr K.S. Yadav, learned counsel for the respondents, we find that applicants have neither completed their probation period nor they have minimum 03 years' regular service for eligibility for promotion to the post of Senior Nursing Officer. Yet, applicants approached this Tribunal seeking permanent stay on advertisement dated 28.05.2018 towards filling up the posts of Senior Nursing Officer by direct recruitment. It is also pertinent to note that probation period of some of the applicants have been extended by the respondents but we find no record or order annexed to the OA by the applicants to suggest that applicants have completed their probation period satisfactorily and have become permanent on the post. Therefore, the applicants have no locus standi nor any right to be heard with regard to relief

prayed by them in the present OA. Therefore, present OA is liable to be dismissed.

5. Accordingly, present O.A. is dismissed with no order as to costs.

[Archana Nigam]
Administrative Member

[Hina P. Shah]
Judicial Member

Ss/-