



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 3975/2016

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New Delhi, this the 06th day of February, 2020

Hon'ble Mr. S. N. Terdal, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)

Hakim Tamanna, Nazli,
Age:39 years, " Group-B",
Research Officer (Unani),
W/o Abdul Raheem,
R/o F-40A, 1st Floor,
Abul Fazal Enclave, Part-I,
Jamia Nagar, Okhla,
New Delhi – 110025.

...Applicant

(By Advocate: Ms. Harvinder Oberoi with Mr. G. D.
Chawla)

Versus

1. Union of India,
Through its Secretary,
Ministry of Health & Family Welfare,
Department of Ayush,
Government of India,
Ayush Bhawan, B-Block, G Complex,
INA, New Delhi.
2. The Central Council for Research in Unani
Medicine (CCRUM),
Through its Director General,
Jawaharlal Nehru Ayush Anushandhan
Bhawan,
61-65, Institutional Area, Opp. 'D' Block,
Janakpuri,
New Delhi – 110058.

...Respondents

(By Advocate: Mr. S. Sunil and Ms. Neha Bairagee
for Mr. Manjeet Singh Reen)



ORDER (ORAL)

S. N. Terdal, Member (J):-

Heard Ms. Harvinder Oberoi with Mr. G. D. Chawla, learned counsel for the applicant and : Page | 2

Mr. S. Sunil and Ms. Neha Bairagee for Mr. Manjeet Singh Reen, learned counsel for the respondents, perused the pleadings and the documents on record.

2. The relief prayed for in this OA is as under:-

“a) Quash and set aside the advertisement No. 01/2016 dated 03.11.2016.

b) Respondent may be further directed to take action for reservation of vacancies as prescribed in DOPT OM 07.12.2009 and only thereafter recalculate the vacancies for each category and fill up the same by considering the applicant, in view of her decade long adhoc service already rendered.

(c) Respondents may be further directed to accommodate the applicant by regularizing her services against the vacant post of Research officer (Unani), advertised vide advt. 01/2016.

(d) Respondents may be further directed to accommodate the applicant by regularizing her services against the vacant post of Research Officer (Unani) retrospectively with all consequential benefits including seniority.

(e) All consequential benefits may be granted to the applicants.

(f) Any other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of this case, may also be passed in favour of the applicant.

(g) Cost of the proceedings be awarded in favour of the applicant and against the respondents.”



3. The counsel for the respondents has filed an additional affidavit dated 04.02.2020. In this he has stated that all the candidates who were above the applicant in the merit list have already been regularized and he further submits that the same will be continued in respect of the applicant also. Relevant para of the additional affidavit dated 04.02.2020 is extracted below:-

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“That Candidates who were above the applicant in the merit list, published on 22.07.2006 have been regularized against the general category vacancies that had arisen by virtue of retirement/promotion, from time to time.”

4. Also, in the D.O. No. 7-24/2014-CCRUM/Estt. dated 19.06.2017 of the Respondent No. 02, it has been stated that they are seeking approval for regularization of the applicant which reads as under:-

“Please refer to the Council’s proposal dated 05-04-2017 regarding regularization of ad’hoc services of two Research Officer (Unani) namely Dr. (Mrs.) Arjunmanad Shah R.O. (U)-ad’hoc RRIUM, Srinagar and Dr. (Mrs.) Tamanna Nazli, R.O. (U)- ad’hoc CCRUM, HQrs, on the ground that sufficient General Category vacancies are available and these two officers fulfil all the requirement of Rectt. Rules, on the date of applying for the post and have been working on ad’hoc basis for about 10 years, continuously.

The approval of the Competent Authority is awaited, inspite of reminders dated 05-05-2017, 12-05-2017 and 12-06-2017.



I shall be grateful, if you kindly look into the matter personally and expedite the approval of MOS (IC) (Ayush) in his capacity as President Governing Body of CCRUM.
With regards,”

5. In view of the additional affidavit dated 04.02.2020, relevant para of which is extracted above and also in view of the D.O. No. 7-24/2014-CCRUM/Estt. dated 19.06.2017 extracted above this OA is disposed of with a direction to the respondents to take the matter of regularization of the applicant to a logical end. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(S.N. Terdal)
Member (J)

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