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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 551/1998

New Delhi this the 12th day of March, 1998.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN
HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Dr. Ali Murtaza S/O Shaukat Ali
R/O C-12, Gafoor Nagar,
Jamia Nagar,
New Delhi-110025.

(By Shri B. S. Charya, Advocate.)

-Versus-

1. Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi.
through its Secretary.

2. Union of India,
Ministry of Health and Family
Welfare, Nirman Bhawan,
New Delhi through its
Secretary.

3. The Director General,
Central Government Health Services,
Dte. General of Central Government
Health Service, Govt. of India,
Nirman Bhawan,
New Delhi.

... Respondents

O R D E R (ORAL)

Shri R. K. Ahooja, A.M.:

The applicant, a Unani Physician, worked with the respondents for about 11 years since 1987 on ad hoc basis. He came before this Tribunal in OA No. 19/97 alleging that the respondents had not considered him for regularisation though the selections were being made from amongst outsiders. By its order dated 2.4.1997, the Tribunal directed the respondents to

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consider the applicant also and to make further appointments on regular basis only after such consideration. The applicant has now come before the Tribunal again alleging that the respondents have not properly considered him and have issued the appointment order in respect of one Abdul Qayyum.

2. We find from a perusal of the record that the respondents have duly considered the applicant in accordance with the directions given by this Tribunal in OA No. 19/97. The learned counsel for the applicant submits that the respondents have not properly considered the applicant inasmuch as persons younger in age have been preferred. He also submits that the marks obtained by the applicant and the other two candidates were the same and in these circumstances, preference ought to have been given to the applicant who had been working in the organisation on ad hoc basis for about eleven years. We are not impressed by this argument. The applicant has no vested right to a regular appointment with the respondents. All what he is entitled to is a consideration for appointment and as admitted by the applicant himself, he has been interviewed and considered for selection before the respondents made a final selection. The applicant has based his claim only on the surmise that he obtained same marks as the other two candidates and that in the circumstances, he was entitled to a preferential treatment. There is,

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however, no basis to reach such a conclusion and moreover the judicial process cannot be used for ascertaining the marks actually obtained by various candidates.

3. In view of this position, the applicant having been duly considered by the respondents, we do not find any ground for interference. The OA is accordingly summarily dismissed.

JK
(K. M. Agarwal)
Chairman

R.K.A -
(R. K. Ahuja)
Member (A)

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