

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

New Delhi. this the 17th Day of August, 2000.

CP 382/99 IN

OA 1673/95

Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)
Hon'ble Sh. Govindan S. Tampi, Member (A)

1. Ms. Kamlesh Sethi
W/o Mr. Yogesh Sethi
Dietician
G T B Hospital Shahdara, Delhi
R/o 203-D Pocket J & K
Dilshad Garden, Delhi - 95
2. Ms. Neelam Jain
W/o Mr. S.K. Jain, Dietician
L N T P N Hospital, New Delhi
R/o 13-E, Pocket K
Sheikh Sarai, Phase II N. Delhi.

.....Applicant

(By Advocate Sh. Arun Bhardwaj)

VERSUS

1. Sh. R.Chandra Mohan,
Secretary
Ministry of Health
Govt. of N.C.T. of Delhi
5, Sham Nath Marg
Delhi.
2. Sh. G.C. Joshi,
Principal Hospital Coordinator
O/O P.H.C. Cum Jt. Secretary (Medical)
1, J L Nehru Marg
New Delhi.

.....Respondents

(By Advocate Sh. Ajesh Luthra)

ORDER (ORAL)

By Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)

Heard both the counsel, for the petitioner and respondents. The directions given by the Tribunal, while the OA, were as under :-

"Accordingly we set aside the cancellation of the advertisements and direct the respondents to publish the select list prepared, if anyt., after the interview was held. If the applicants were selected in the process, they may claim the benefit of the same with consequential reliefs. This must be done as early as possible at any rate within a period of two months from the date of receipt of this order. No costs. A copy of the order be placed in OA-1778/94."

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2. It is the definite case of the applicant, in the OA, the petitioner herein, was that a Selection Committee has ~~been~~ met on 31-10-94 for the post of dietician and that the petitioner had been selected for the said post. A direction was given by the Tribunal, that the petitioner is entitled to the benefit of the selection by the Select Committee, if he was selected. 25

3. Learned counsel to the respondents filed a reply stating that though, the Select Committee met on 31-10-94, it did not recommend any person for selection and that no selection list has been prepared. In view of the subsequent cancellation of the advertisement, the selection process did not go through.

4. We have perused the minutes of the the Select Committee which met on 31-7-94 as well as on 31-10-94. We find that the recommendations of the Select Committee held on 7-4-94 have been cancelled and thereafter fresh Selecte Committee has been constituted to hold selections and the meeting was to be held on 31-10-94. But we found no indication, as to what happened on 31-10-94. We only find an agenda for the meeting, but the minutes of the Selection Committee are not available in the file. Learned counsel for the respondents submits that there is no other file in regard to the selections and that the Select Committee has not made any recommendations on 31-10-94.

5. Learned counsel for the applicant vehemently contends that the appointing authority should be summoned to the Court, so as to find out

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the true position, and to verify, what has happened on 31-10-94, as to the selection for the post.

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6. Having given the careful consideration to the facts of the case and after perusing the files ahead produced and the reply filed by the respondents, we not find it necessary to summon any official or to probe into the matter. Even if there were some recommendations made by the Select Committee, unless they had been approved by the appointing authority, the petitioner will not get any benefit. It is nowhere committed by the respondents, in the counter filed in the OA or anywhere else that the Select Committee which met on 31/10/94, recommended any candidate for selection. It cannot, therefore, be said that the respondents had violated the orders of the Tribunal. The C.P. is devoid of merit and it accordingly dismissed.

(GOMTHAN S. TAMPI)
MEMBER (A)

(V. RAJAGOPALA REDDY)
VICE CHAIRMAN (J)

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