

Central Administrative Tribunal
Principal Bench

(2)

O.A.No.198/95

Hon'ble Shri R.K.Ahooja, Member(A)
Hon'ble Shri Syed Khalid Idris Naqvi, Member(J)

New Delhi, this the 26th day of August, 1999

Bhagwan Das
s/o Sh. Sukha Ram
working as Photographer
in Lok Nayak Jai Prakash Narain Hospital
New Delhi
r/o Staff Qrs.
Near Maulana Azad Medical College
New Delhi. Applicant

(By Shri P.L.Mimroth, Advocate)

Vs.

1. Union of India through
Chief Secretary
Govt. of N.C.T. of Delhi
Sham Nath Marg
Delhi.
2. Joint Secretary(Medical)
M.P.H.Deptt.II
(Technical Recruitment Cell)
1, J.N.Nehru Marg
New Delhi - 110 002.
3. The Medical Superintendent
L.N.J.P.N.Hospital
New Delhi. Respondents

(None)

ORDER (Oral)

Hon'ble Shri Syed Khalid Idris Naqvi, Member(J)

The applicant, Shri Bhagwan Das, has come before this Tribunal seeking a direction to the respondents to appoint him against the reserved post of Senior Photographer in the scale of Rs.1640-2900 on regular basis in accordance with the recommendations of the Staff Selection Board submitted in the month of August, 1994. He has pleaded that he belongs to a Scheduled Caste community and has been working as Photographer in the L.N.J.P.N.Hospital, New Delhi since 4.1.1978 and there was a reserved vacancy of

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Senior Photographer for Scheduled Castes under the respondents as per 40% Roster maintained in the Technical Recruitment Cell at S.No.9/25 at page 221 for which applicant was eligible and fulfilling all the requisite conditions as per Recruitment Rules. The applicant also submits that he had applied for the said post of Senior Photographer in both ways as a departmental candidate as well as a direct recruit. He was informed that he was selected by the selection Board but subsequently he has come to know that the respondents are contemplating to cancel the selection of the applicant to the post of Senior Photographer without any solid reason. He has therefore come before the Tribunal for the said direction.

2. In the counter filed by the respondents they have admitted the fact that applicant was working as Photographer in L.N.J.P.N.Hospital and was interviewed by the Staff Selection Board on 11.7.1994 for the post of Sr. Photographer. The Board recommended the name of the applicant for appointment to the post of Sr. Photographer and accordingly his name was nominated for appointment to the post of L.N.J.P.N.Hospital. In the meantime, the Hon'ble Health Minister has cancelled the selections made by the SSC on the grounds that Committee constituted was not in accordance with the rules/orders. This counter does not show the specific grounds for which the Committee constituted was found not in accordance with the rules and orders.

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3. Heard the learned counsel for the applicant. None appear for the respondents even on second call. On perusal of the record, it is clear that the applicant was selected to the post of Senior Photographer by a duly constituted selection Board but his selection was cancelled by some administrative orders without giving proper reasons for the same. Under these circumstances we find that the applicant is entitled to the relief sought for as the respondents have not shown as to how the Hon'ble Health Minister came to the conclusion that the Committee constituted was not in accordance with the rules and orders.

4. The learned counsel for the applicant also relies upon the law laid down both Supreme Court and followed in S.S.Sharma and Others Vs. Delhi Administration and Another, ATC 1993(23) P-616 in support of his claim.

5. In view of the above position, the OA is allowed. The respondents are directed to take action upon the recommendations of the Staff Selection Board/DPC within a period of two months from the date of receipt of a copy of this order and the action taken by them should be communicated to the applicant with a reasoned and speaking order. No order as to costs.

SYED KHALID IDRIS NAQVI
MEMBER(J)

R.K. AHOODA
(R.K. AHOODA)
MEMBER(A)

/RAO/