

In the Central Administrative Tribunal  
Principal Bench; New Delhi.

Regn. No. OA-181/89

Date of Decision: 18.7.89

Shri Bharat Bhushan

... Applicant.

Vs.

Delhi Administration & Ors. ... Respondents.

For the applicant ... In person.

For the respondents ... None.

CORAM: Hon'ble Shri P. Srinivasan, Administrative Member.  
Hon'ble Shri T. S. Oberoi, Judicial Member.

#### JUDGEMENT

(Judgement of the Bench delivered by Hon'ble  
Shri P. Srinivasan, Administrative Member).

This application has been listed before us for admission. The applicant present before us seeks adjournment on the ground that his counsel is unable to come to the Court. We find that this application was filed on 19.1.1989 and was first posted for admission on 28.1.1989. Thereafter, it has been adjourned again and again at the request of the applicant or his counsel. We do not think that we should wait any more.

2. We have perused the application and having heard the applicant, we are of the view that the application can be disposed of at this stage itself with appropriate directions to the respondents. The applicant is currently working as Nursing Orderly in the Nehru Homoeopathic Hospital, Defence Colony. His contention is that in 1983 he was selected for appointment as Dark Room Assistant but inspite of this, ~~his~~ he has not so far been appointed to that post. In the course of hearing, he explained that the respondents had informed him that they had indeed sent an offer of appointment to him but that he had neither accepted it nor rejected it. The applicant states that since he was working in Nehru Homoeopathic Hospital, the alleged offer of appointment

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said to have been sent to him in 1985 which was addressed to the Deen Dayal Upadhyaya Hospital never reached him. Therefore, he had no opportunity either to accept or to reject it. It was only after the respondents informed him <sup>of</sup> ~~in September 1988~~ that an offer of appointment had been issued that he came to know of this. He has produced before us a photo-copy of a Memorandum dated 8.7.1985 by which the offer of appointment was addressed to him and another Shri Ram Kishan Boowal. The address of the applicant is shown in that memo as care of "The Medical Superintendent, Deendayal Upadhyaya Hospital, New Delhi." <sup>1/ dated 20/9/1988</sup> He also showed us the reply <sup>1/ dated 20/9/1988</sup> received by his Advocate to the notice under Section 80 of the C.P.C. sent to the respondents. In this reply it is stated that an offer of appointment dated 3.7.1985 was sent to him through the Medical Superintendent, Deendayal Upadhyaya Hospital, Nari Nagar and that he had neither accepted the offer nor sent any communication in reply.

3. In the above circumstances, we consider it proper to pass the following orders.

4. The respondents, particularly respondent No.4 will immediately verify whether the offer of appointment in Memorandum No.F-1149183-DHS/Estt./HQ-28181-182 dated 3.7.85 addressed to the applicant Care/Of, the Medical Superintendent, Deendayal Upadhyaya Hospital was communicated to the applicant at the time since he was at that time working in the Nehru Homoeopathic Hospital in Defence Colony. If they find that it was not so communicated, the respondents will accommodate him in the next available vacancy of Dark Room Assistant in any of their hospitals in Delhi, as it was no fault of the applicant if he was not aware of the offer. The application is disposed of on the above terms.

Agree-  
( T.S. Oberoi )  
Member (Judl.)

P. Srinivasan  
( P. Srinivasan )  
Member (Admn.)