



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1216/2020

This the 21st day of September, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

1. Ms. MamtaParoliya(*Aged about _38___ years*)
W/o Sh. Om Singh Paroliya Group- C
Designation- Junior Administrative Assistant
AIIMS New Delhi
R/o A-178, MIG Flats, BrijVihar,
Ghaziabad
2. Ms. ShaguftaHussain(*Aged about _43___ years*)
W/o ArshadHussain Group- C
R/o Flat No. 589, fourth floor,
ShardhanandMarg,
FarashKhana, Delhi 110006
Designation- Junior Administrative Assistant
3. Ms. AnuradhaVerma(*Aged about _41___ years*)
W/o Lalit Chand Verma Group- C
R/o H.N. 1632 Gali No. 06,
AsthalMandir, SangamVihar,
New Delhi 110080
Designation- Junior Administrative Assistant
4. Ms. AnjuSinha(*Aged about _46___ years*)
W/o Sh. ShashankSinha Group- C
R/o Flat No. 277, Type 2,
Sector-2, Sadiq Nagar, New Delhi 110049
Designation- Junior Administrative Assistant
5. Ms. HarjeetPharma(*Aged about _33___ years*)
W/o Sh. GauravPharma Group- C
R/o Flat No. 95C, AD Block
Power Apartment, Pitampura
New Delhi 110034
Designation- Junior Administrative Assistant
6. Ms. GarimaBhandari(*Aged about _39___ years*)
W/o Sh. Shalinder Singh Bhandari Group- C
R/o 574/B, Bank Coloney, New Delhi 110062

Designation- Junior Administrative Assistant



Sh. ManojKumar(*Aged about 40 years*)

S/o Sh. BeldevKumar Group- C

R/o Plot no. 452-A, Gali No. 4, Jain Nagar

Sector-22, Rohini, New Delhi

Designation- Junior Administrative Assistant

8. Ms. Sonu(*Aged about 43__ years*)
W/o Sh. Suresh Group- C
R/o A-131 Double Story DDA Flats,
Garhi, New Delhi 110065
Designation- Junior Administrative Assistant
9. Sh. Vijay Kumar(*Aged about 35__ years*)
S/o Joginder Kumar Group- C
R/o 1537A, PanaMamurpur, Narela
Delhi 110040
Designation- Junior Administrative Assistant
10. Ms. KaushalyaMehra(*Aged about 44__ years*)
W/o Sh. Sanjay Kumar Group- C
R/o H. No. D-47/6, RajpurKhurd
Chattarpur, New Delhi 110068
Designation- Junior Administrative Assistant
11. MsNishaSingh(*Aged about 46__ years*)
W/o Sh. PawanWadhera Group- C
R/o R 158, Greater Kailash Part 1
New Delhi 110048
Designation- Junior Administrative Assistant
12. Sh. PankajGarg(*Aged about 33__ years*)
S/o Late Sh. RakeshGarg Group- C
R/o Flat No. 202, GHS-3, Sector 64
Ballabgarh, Faridabad 121004
Designation- Junior Administrative Assistant
13. Sh. Kailash Chand Papnai(*Aged about 46__ years*)
S/o Sh. H D Papnai Group- C
R/o Flat No. 232, Sector- 13, Pocket A
Phase 2, Rosewood Apartment
Dwarka, New Delhi 110078
Designation- Junior Administrative Assistant
14. Sh. Rajeev Gautam(*Aged about 45__ years*)
S/o Sh. SatnarayanGautam Group- C
R/o A-17, Pram Nagar, Nangloi,
Delhi 110086



Designation- Junior Administrative Assistant

Sh. Surender Singh Kathayat(Aged _45__ years)
S/o Lt. Sh. Gopal Singh Kathayat Group- C
R/o G-80, Ansari Nagar,
New Delhi 110029

Designation- Junior Administrative Assistant

16. Sh. Birendra Singh Rana(Aged about 46__ years)
S/o Sh. Padam Singh Rana Group- C
R/o C-13A, Mansa Ram Park,
Uttam Nagar, New Delhi 110059
Designation- Junior Administrative Assistant

17. Sh. KhajantSingh(Aged about _46__ years)
S/o Sh. Pratap Singh Group- C
R/o H.N. 10/10-B, Shastri Park extension,
PhoolBagh Road, Near Nathupura Moth,
Burari, Delhi- 110084
Designation- Junior Administrative Assistant

18. Sh. PramodJoshi(Aged about _44__ years)
S/o Late Sh. G. D. Joshi Group- C
R/o 1906, Sector- 37, Noida
Designation- Junior Administrative Assistant

19. Sh. SatendraSingh(Aged about _45__ years)
S/o Late Sh. Fateh Singh Group- C
R/o E 53 B, Lajpat Nagar,
Sahibabad, U.P.
Designation- Junior Administrative Assistant

20. Sh. Rajinder Singh(Aged about 46_ years)
S/o Sh. Gabber Singh Group- C
R/o 573F, Deoli Village,
New Delhi
Designation- Junior Administrative Assistant

.....Applicants

(By Advocate :Shri Somnath Bhattacharya)

Versus

1. Union of India Through
The Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi.



2. The Chairman, Governing Body,
All India Institute of Medical Sciences,
Ansari Nagar, New Delhi.

The Director,
All India Institute of Medical Sciences,
Ansari Nagar, New Delhi

4. Chief Administrative Officer,
All India Institute of Medical Sciences,
Ansari Nagar, New Delhi.

...Respondents

(By Advocate : Shri Vikrant Narayan Vasudeva)

ORDER (Oral)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman:

MA No.1497/2020

This MA is filed with a prayer to permit the applicants to join together. It is pleaded that the cause of action for all of them is common. The application is ordered.

OA No.1216/2020

2. The applicants were appointed as Lower Division Clerks (LDCs) in the All India Institute of Medical Sciences (AIIMS) on different dates. Promotion from that post is to the post of Upper Division Clerk, which recently was re-designated as Senior Administrative Assistant (SAA). Under the relevant recruitment rules, 75% of the posts of SAA are to be filled through promotion of LDCs who have put in five years of service and 25% of the vacancies are to be filled by conducting Limited Departmental Competitive



Examinations (LDCE) restricting the participation to the LDCs with two years of service. The applicants contend that though they became eligible to take part in the LDCE on completion of two years long back, the respondents did not conduct the examination from time to time on one pretext or the other and thereby their rights were defeated. It is also stated that in the name of rationalisation, quite large number of vacancies of SAA were disbanded.

3. The respondents issued a circular dated 08.07.2020 proposing to conduct LDCE for 29 vacancies of SAA. Out of them, 24 are unreserved, 1 reserved in favour of hearing handicapped, 1 for SC and 3 for ST.

4. This OA is filed challenging the said circular by raising several grounds. The applicants contend that they are subjected to prejudice on account of the fact that several Junior Assistants who have been appointed subsequent to them acquired eligibility, and they are subjected to an unwarranted competition. It is also stated that the vacancies were required to be filled year wise but the same was not done by the respondents.

5. The OA was listed for admission on 04.09.2020 and after hearing the parties at some length, we adjourned it for today.



6. We heard Shri Somnath Chattacharya, learned counsel for the applicants and Shri Vikrant Narayan Vasudeva, learned counsel for the respondents.

7. As observed earlier, there are two methods of appointment to the post of SAA. 75% of the vacancies are to be filled through promotion simplicitor, and remaining 25% are to be filled by conducting LDCE. The applicants did not acquire eligibility for promotions that were last effected in the year 2019. Obviously they have to wait for their turn in the years to come.

8. The applicants intend to take part in the LDCE. It is no doubt true that the examination was proposed to be held on earlier occasion, but the same did not materialise. The applicants, or for that matter, anyone similarly placed, do not have a inherent right to insist on the conducting of LDCE. Their only right is to be considered as and when it is held.

9. Another aspect is about splitting of the vacancies, year wise. There again, much would depend upon the relevant rules and the practice adopted by the respondents earlier. It is too early for us to comment on this aspect at this stage. It is only when the applicants take part in the examination and do not get selected at all or not against the vacancies of any particular year, workout their



remedies, that they can. When the LDCE is yet to be held, we cannot deal with that aspect.

10. The OA is accordingly dismissed. However, it is left open to the applicants to take part in the examination and pursue their remedies if they feel that their rights are effected, at the end of the process.

All the ancillary applications stand disposed of.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/vb/ankit/sd