

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**OA/21/523/2020**

HYDERABAD, this the 11<sup>th</sup> day of September, 2020

**Hon'ble Mr. Ashish Kalia, Judl. Member  
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



Mrs. Swayang Prava Jyotirekha,  
W/o. Mr. Samira Kumar Sahoo,  
Aged about 33 years,  
Occ: Occupational Therapist,  
R/o. H.No.8-2-293/82/JIII, Rd No.86,  
Jubilee Hills, Hyderabad.

... Applicant

(By Advocate: Mr. Aadesh Varma)

Vs.

1. The Union of India rep. by  
Secretary,  
Ministry of labour & Employment,  
New Delhi.
2. The Director, Employees State Insurance  
Corporation rep. by its Director,  
H.No.5-9-23, Hill Fort Road,  
Hyderabad.

... Respondents

(By Advocate: Mr. N. Srinivasa Rao, SC for ESIC)

**ORDER (ORAL)****Hon'ble Mr. B.V. Sudhakar, Admn. Member****Through Video Conferencing:**

The present O.A. is filed for not selecting the applicant as an Occupational Therapist against the notification issued by the respondents.

2. The applicant applied for the post of Occupational Therapist against the notification issued by the 2<sup>nd</sup> respondent on 26.02.2019. The applicant appeared in the examination conducted by the respondents and secured 3<sup>rd</sup> rank. The candidates, who have secured 1<sup>st</sup> & 2<sup>nd</sup> ranks did not come forward to accept the post. When the applicant came to know about the same, she has represented on 21.11.2019 & 06.04.2020 to consider her case as she stood 3<sup>rd</sup> in the examination. The same have not been disposed of till date and, therefore, the O.A.
3. The contentions of the applicant are that she stood 3<sup>rd</sup> in the examination conducted by the respondents and since the candidates, who got 1<sup>st</sup> & 2<sup>nd</sup> ranks, did not accept the post, in all fairness, the post of Occupational Therapist should be offered to her. The applicant also states that when similar situation arose in respect of States of Himachal Pradesh & Delhi, the authorities concerned picked up the candidates, who got lower rank when those who got higher rank did not come forward to accept the post advertised for. The prayer of the applicant is that she should also be considered on similar lines.

4. Heard Mr. Aadesh Varma, learned counsel for the applicant and Sri N. Srinivasa Rao, learned counsel for the respondents and perused the pleadings on record.



5. The applicant appeared in the examination held by the respondents for selection to the post of Occupational Therapist against the notification published on 21.12.2018. She secured 3<sup>rd</sup> rank and claims that the 1<sup>st</sup> & 2<sup>nd</sup> rank holders did not accept the post advertised for. Therefore, she represented to the respondents on 21.11.2019 & 06.04.2020, requesting to consider her case as she would be the eligible candidate to be selected on merit basis. However, the respondents have not disposed of the representations of the applicant. In all fairness, the respondents are expected to dispose of the representations keeping in view the fact stated by the applicant that in the States of Himachal Pradesh & Delhi, in similar situations, candidates who got lower rank were also considered by the competent authority.

6. In view of the above, we direct the respondents to dispose of the representations made by the applicant on 21.11.2019 & 06.04.2020, by issuing a speaking and reasoned order as per relevant rules and in accordance with law, within 8 weeks from the date of receipt of this order. Accordingly, the O.A. is disposed of at the stage of admission. It is made clear that this Tribunal has not gone into the merits of the case, while disposing of the O.A. No order as to costs.

**(B.V. SUDHAKAR)**  
**MEMBER (ADMN.)**

**(ASHISH KALIA)**  
**MEMBER (JUDL.)**

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