

Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.40/2020

Wednesday, this the 17th day of June, 2020

Hon'ble Dr. Bhagwan Sahai, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member (J)

1. Faizan Ahmad Wani, age 22 years
s/o Mohammad Shafi Wani
r/o Madar Bandipora
2. Sartaj Ahmad Wani, age 32 years
s/o Gh. Rasool Wani
r/o Adlashmagam, Srigufwara Anantnag
3. Shakeel Ahmad Khan, age 36 years
s/o Gh. Mohd. Khan
r/o Hassan Wani Inder
4. Aamir Amin Bhat, age 21 years
s/o Mohammad Amin Bhat
r/o Drusoo Jagir Rafiabad Baramulla
5. Bilal Ahmad Dar, age 22 years
s/o Habib-ull-ah Dar,
r/o Trichal
6. Yasir Bashir, age 29 years
s/o Bashir Ahmad Bhat
r/o Old Nishat, Srinagar, J & K

..Applicants

(Mr. Manzoor A Beigh, Advocate)

Versus

1. Union Territory of J & K through
Commissioner –Secretary, Health and
Medical Education Department, Civil
Secretariat, Srinagar/Jammu
2. Director Sheri-Kashmir Institute of Medical
Sciences Srinagar (Ex-officio Secretary to
Government)
3. Medical Superintendent SKIMS, Srinagar
4. Administrative Officer (Policy) SKIMS
Srinagar

..Respondents

(Mr. Amit Gupta, Additional Advocate General)

O R D E R (ORAL)**Dr. Bhagwan Sahai, Member (A):**

Mr. Faizan Ahmad Wani and five others have filed this O.A. on 09.06.2020, seeking direction to the respondents to issue formal orders of appointment in their favour to the posts of Nursing Aid Grade III in the pay level of SL 2 (15900-50400) on the basis of waiting list notified on 06.07.2019, against available vacancies because of withdrawal of appointment of other candidates for not joining on the posts, as per orders dated 21.09.2019, 06.12.2019 and 16.12.2019. They further seek their appointment with retrospective effect from September and December, 2019 when the vacancies became available, along with other service benefits, such as salary, seniority, increments, etc.

2. We have heard Mr. Manzoor A Beigh, applicants' counsel and Mr. Amit Gupta, AAG for respondents on 11.06.2020, 16.06.2020 and today.

3. In their O.A., the applicants have submitted that after publication of the selection and waiting lists of candidates for the posts of Nursing Aid Grade III dated 06.07.2019, in pursuance to appointment orders dated 30.07.2019, total 14 selected candidates (10 for open merit and 4 for reserved category) did not join on the posts and consequently, their

appointment orders were withdrawn vide orders dated 21.09.2019, 06.12.2019 and 16.12.2019.

4. In view of these available resultant vacancies, the applicants submitted their representations to the respondents on 07.03.2020 and 14.05.2020 requesting them to appoint them against those posts. However, the respondents have not yet decided their representations.

5. After considering the averments of the applicants in the O.A. and submissions of their counsels as well as respondents' counsel, we are of the view that it would be appropriate to dispose of this O.A. at this stage, with direction to the respondents to consider and decide the pending representations of the applicants dated 07.03.2020 and 14.05.2020 for their appointment against available vacant posts of Nursing Aid Grade III till the waiting list dated 06.07.2019 is valid. The respondents should decide their pending representations within two weeks from the date of receipt of a copy of this order by passing a well-reasoned and speaking order, and then communicate such order to the applicants, within one week of the decision.

6. The O.A. is accordingly disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

June 17, 2020
/sunil/