

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing



**M.A./62/734/2020 &  
MA/62/734/2020  
In &  
O.A. No. 62/590/2020**

This the dated 15<sup>th</sup> day, Tuesday of December, 2020

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)  
HON'BLE MR. ANAND MATHUR, MEMBER (A)**

Dr. Iram Wani, Aged 30 years

D/o. Farooq Ahmad Wani

R/o. New Light Colony Sapore Baramulla

Working as Medical Officer in Directorate Health Services.

.....Applicant

(Advocate: Mr. Sofi Furkan Yaqub)

**Versus**

1. Union Territory of J& K through Commissioner cum Secretary to Government, Health and Medical Education Department, J&K Government, Civil Secretariat, Srinagar/Jammu.
2. Director, Health Services, Kashmir, Srinagar;
3. Principal, Government Medical College, Srinagar.

.....Respondents

(Advocate: Mr. Amit Gupta;AAG  
Mr. Raghu Mehta, SCGSC)

## **O R D E R [O R A L]**

### **Delivered by Hon'ble Mr. Anand Mathur, Member (A): -**



M.A. 734/2020 has been filed seeking the applicants to file the petition without stamps and affidavit and be permitted to complete the said deficiency after normal function of the Tribunal resumes.

2. MA is allowed.
  
3. OA has been filed by the applicant seeking the following reliefs:-
  - a) Respondent No.3 be directed to accept the application form of the petitioner and allow the petitioner to compete the selection process for the post of Demonstrator/Registrarship without formal approval of employer and be directed to allow him to compete the selection process without NOC as same shall be in the interest of justice.
  - b) The respondent No.1 & 2 be directed to relieve the petitioner and allow her to join the post of Registrar in Government Medical College, Srinagar against which she would be selected, if so, on deputation basis on proving merit and being selected in selection process as same shall serve the interests of justice;
  - c) That the respondents be further directed to relieve all the medical officers of health department who are working in medical colleges and institutes for last so many years on deputation basis as medical officers so that the

10% quota of deputation becomes available for joining of medical officers who are selected for Registrarship/senior residency.”



4. Learned counsel for the applicant submits that the competent authority neither issued No Objection Certificate (NOC) in favour of the applicant to participate in the selection nor rejected her case for issuance of NOC. At this stage, he submits that his client would be satisfied if this OA is disposed of with a direction to the competent authority either to issue NOC or pass a reasoned order within a stipulated period.
5. Heard Learned counsel for the applicant and Learned counsel appearing for the respondents and gone through the OA and material annexed to it.
6. In view of the above, OA is disposed of with a direction to the competent authority amongst the respondents to consider the question of issuance of No Objection Certificate (NOC) to the applicant within a period of one week from the date of receipt of certified copy of the order and in case the competent authority is of the opinion that NOC cannot be issued and they shall reject the prayer of the applicant for issuance of NOC, a reasoned and speaking order to that effect be passed with intimation to the applicant. It is made clear that we have not observed anything on the merits of the case.

7. OA is accordingly disposed of. In view of the disposal of the OA, MA 62/1429/2020 filed by the applicant stands closed. No costs.



**(ANAND MATHUR)**  
**MEMBER (A)**

*asvs*

**(RAKESH SAGAR JAIN)**  
**MEMBER (J)**