

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/791/2021

This the 13th day of May, 2021

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

Tahir Rehmatullah Age 41 years, S/o Rehmatullah Nanoo, R/o Farida Mohalla,
Doda.

.....Applicant

(Advocate:- Mr. Aditya Gupta)

Versus

1. Union Territory of J&K, Principal Secretary to J&K Govt, Health and Medical Education Department, Civil Secretariat, Jammu-180001.
2. Chairman, J&K Public Service Commission, Resham Ghar Colony Bakshi Nagar, Jammu-180001.
3. Secretary, J&K Public Service Commission, Resham Ghar Colony Bakshi Nagar, Jammu-180001.
4. Principal Government Medical College, Bakshi Nagar, Jammu-180001.
5. Anumodan Gupta, S/o S K Gupta, R/o 10 C/5 Bhawani Nagar, Talab Tillo, Jammu-180002.
6. Sanjana Sharma, D/o T R Raina, R/o 132, Village Hambal, Doda (C/o Yog Raj Raina), 182202.

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G./Mr. M Y Akhoon for Mr. F A Natnoo for
Respondent No. 2 and 3)

ORDER

[O R A L]

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

The applicant Tahir Rehmathullah is seeking quashment of appointment of Respondent No. 6 as Lecturer Pediatrics in GMC Srinagar/Jammu vide notification no. 28-PSC (DR-S) of 2021 dated 23.04.2021 and seeking appointment of the applicant as Lecturer Pediatrics in terms of interview conducted from 01.03.2021 to 03.03.2021 for the post of Lecturer Pediatrics.





2. The applicant is a MBBS Doctor and he obtained his master in the field of Pediatrics from Dr. Bhimrao Ambedkar University, Agra in the year 2008. The applicant after completion of his post graduation worked as a Senior Resident in Guru Teg Bahadur Hospital and University College of Medical Science, Delhi. Thereafter, the applicant joined Manipal Hospital as Registrar in the Department of Paediatric Intensive Care from 11.11.2013 to 10.11.2015. The applicant was also involved in teaching program for Post Graduate Trainees in Paediatric Manipal Hospital, Bangalore which is a recognized institution for DNB in paediatric. The applicant also completed Registrarship/Fellow Training in pediatric intensive care at Birmingham Women's and Children's NHS Foundation Trust (U.K.) from October 2017 to February 2019 and he worked at the same hospital for another six months as Registrar and fellow trainee in Neonatology Department from March 2019 to September 2019. The respondents issued a notification no. 03-PSC (DR-P) of 2019 dated 19.03.2019 inviting applications for appointment as Lecturer in various fields in the Government Medical College Jammu and Srinagar. The Respondent No. 3 advertised four posts for the field of Pediatrics in Government Medical College, Jammu, two posts in open category and one each in RBA category and SC category. The interviews for the post of Pediatrics was conducted from 01.03.2021 to 03.03.2021 in which the applicant along with other eligible candidates participated in and were interviewed. The Respondent No. 3 vide notification no. 28-PSC (DR-S) of 2021 dated 23.04.2021 issued the impugned select list wherein to the utter shock of the applicant his name was missing and names of Respondent No. 5 & 6 were written as selected candidates. Along with the impugned notification the detail of all the candidates i.e., 72 in number was enclosed and the applicant found his name of S. No. 5 with total



marks of 61.39 whereas the selected candidates respondent no. 5 figured at S. No. 34 with total of 64.53 marks and respondent no. 6 at S. No. 19 with total of 62.21. It is the case of the applicant who has obtained 61.39 marks has been granted only one mark for his experience as Registrar out of three whereas the applicant deserved all three marks since the applicant has completed two years as Registrar at Manipal Hospitals which is recognized institution by Medical Council of India. In terms of the impugned notification, the Respondent no. 3 called upon all the candidates to file any objection to the select list in case they have grievance against the same. The applicant submitted his representation with the Chairman, Public Service Commission on 29.04.2021. The applicant has submitted his representation/objection against the appointment of private respondents more specifically respondent no. 6, but no decision has been taken by the respondents. Hence, the present O.A.

3. Learned counsel for the applicant submits that the applicant would be satisfied, if a direction is issued to the respondents to take a decision on the representation dated 29.04.2021 (Annexure No. A-10 to the O.A.) within a stipulated time frame.

4. We have heard Mr. Aditya Gupta, learned counsel for the applicant and Mr. Amit Gupta, learned A.A.G for the official respondents and Mr. M Y Akhoon for Mr. F A Natnoo, for Respondent No. 2 and 3 and perused the records.



5. Looking to the limited prayer made by the learned counsel for the applicant, we dispose of the O.A. with direction to Respondent No. 2 and 3 to consider and take a decision on the representation dated 29.04.2021 (Annexure No. A-10 to the O.A.) by passing a reasoned and speaking order within seven days from today and communicate the decision so taken to the Government immediately thereafter. Till disposal of the representation, the respondents are directed not to issue appointment order to Respondent No. 6. The Government can take call on the issuance of appointment order to Respondent No. 6 as and when the decision of the P.S.C. is received by it.

6. It is made clear that we have not entered into the merits of the case.

7. There shall be no orders as to cost.

(ANAND MATHUR)
MEMBER (A)
Arun

(RAKESH SAGAR JAIN)
MEMBER (J)