

Item No.7



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 918/2021

This the 16th Day of July, 2021

(Through Video Conferencing)

Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)

Dr. S. Senthamilselvi,
D/o Samynathan K., Aged 26 years
UPSC CMSE 2019, Roll Number 1201775
Merit Number 557
Door Number 5C7 Kattuvalavu,
Old Pallipalayam Road,
Komarapalayam,
Namakkal District,
Tamil Nadu - 638183

... Applicant

(Applicant in person)

Versus

1. Ministry of Health and Family Welfare,
CHS 1, Government of India,
Through the Secretary, Nirman Bhawan,
New Delhi – 110011
2. UPSC Combined Medical Services Examination 2019
Through the Chairman, Dholpur House,
Shahjahan Road,
New Delhi – 110069.

... Respondents

(By Advocates : Shri Shailender Tiwari and Shri R.V. Sinha)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant studied MBBS in the year 2017. The UPSC issued a notification in April, 2019 inviting applications for selection in Health Services in the Central Government and other Establishments. The applicant took part in the examination and ultimately, she secured the rank of 557. In the context of choosing the establishments, the applicant furnished her preferences, in order of (a) Railways (b) New Delhi Municipal Corporation (c) Municipal Corporation of Delhi and (d) Central Health Services. The cadre allocation authority allocated the applicant to Municipal Corporation of Delhi.

2. The applicant contends that she was under the impression that the Health Services in the MCD are part of Central Government establishment and without knowing the intricacies thereof, she gave her options. She contends that her preference was to join Railways or the Central Health Services (CHS) and once she became aware of the departments, she made a representation to the concerned authorities, for change of her cadre. It is stated that the UPSC has also addressed a letter dated 20.05.2020 to the Secretary,

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Ministry of Health and Family Welfare and no action has been taken thereon.

3. The applicant contends that several candidates, who were less meritorious and lesser in rank, compared to her, were allocated to the CHS and she deserves to be extended similar benefit.

4. The OA was listed initially on 29.04.2021 and we granted time to the respondents on several occasions to obtain the instructions. Today, we heard the applicant who argued the case in person and Shri Shailender Tiwari and Shri R.V. Sinha, learned counsel for the respondents.

5. The applicant was successful in the competitive examination and secured 557 rank. In the context of choosing the options, she indicated the preference as mentioned, in the preceding paragraphs. May be, due to lack of proper information, and experience in the field, she was under the impression that the Health department of MCD is under the Central Government and that would enable her to be posted or transferred to various places and her services would not be confined to Delhi alone. Once the appointment is in the Corporation, it cannot be otherwise.

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6. We would not have entertained the OA but for the fact that several candidates, with less marks and rank than that of the applicant were allocated to the CHS and in case there exists any vacancies in the Railways or CHS, there should not be any difficulty in acceding to the request of the applicant. The applicant made the request, at the earliest. On its part, the UPSC has addressed a letter dated 20.05.2020 recommending the case of the applicant as well as of Dr. Mohammed Sadath Ali PV.

7. We therefore, dispose of the OA, directing the Secretary, Ministry of Health and Family Welfare to take necessary steps on the letter dated 20.05.2020 addressed by the UPSC, as regards the case of the applicant within a period of four weeks from the date of receipt a copy of this order. In case there exists any vacancy in CHS and if any candidate with lesser marks than the applicant, in her category, was allocated to CHS, the case of the applicant shall also be considered accordingly.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/rk/ns/akshaya/