



**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No.1130/2021
M.A. No. 1391/2021**

This the 22nd day of June, 2021

(Through Video Conferencing)

**Hon'ble Mr. A.K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

1. Name – Monika Tomer, Age : 37
Husband's Name – Sushil Kumar
Father's Name – Devinder Singh Tomer
Address – C-35/1, Suraj Park Delhi – 110042

... Applicant

(through Advocate: Mr. Harpreet Singh Hora)

Versus

1. GNCTD,
Through Principal Secretary,
Health and Family Welfare Department,
9th Level, A-Wing, IP Extension
Delhi Secretariat, Delhi – 110002
2. Delhi Subordinate Services Selection Board
Through Chairman
FC-18, Institutional Area
Karkardooma, Delhi - 110092.

... Respondents

(through Advocate: Ms. Esha Mazumdar)

ORDER (Oral)**Hon'ble Mr. R. N. Singh, Member (J):**

Heard.

The present Original Application under Section 19 of Administrative Act, 1985 has been filed by the applicant seeking the following reliefs:-

- “(I) Direct the Respondents to consider the applicant for recruitment to hospitals/clinics/establishments in Covid hospitals/clinics/establishments and on permanent post of Nurses/Nursing officers and;
- (II) Direct the respondents to consider the waitlisted candidates for nurses/nursing posts against available vacancies in Covid hospitals /clinics/establishments and;
- (III) Award all consequential benefits to the applicant, and;
- (IV) Pass any further orders or directions in favour of the applicant as this Hon'ble Tribunal may deem fit and proper in the present facts and circumstances and in the interest of justice.”

2. Mr. Harpreet Singh Hora, learned counsel for the applicant submits that in response to advertisement issued by the respondents, the applicant participated in the relevant selection process and ultimately her name appeared in the list of the wait listed candidates notified by the respondents. He submits that in the facts and



circumstances, the applicant is entitled to be considered for appointment to the post under reference. However, in spite of her representation dated 20.04.2021 (Annexure A-1), the respondents have neither considered her for the said appointment nor have responded to.

3. Issue notice.

4. Ms. Esha Mazumdar, learned standing counsel, who appears on advance service, accepts notice.

5. At this stage, learned counsel for the applicant submits that applicant shall be satisfied, if the present OA is disposed of with a direction to the respondents to consider the applicant's aforesaid representation and to dispose of the same by passing an appropriate reasoned and speaking order within a stipulated time frame.

6. Ms. Esha Mazumdar, learned counsel for the respondents submits that the applicant is not having any enforceable right to be considered and appointed merely on the ground that she has participated in the selection process and her name appears in the list of wait listed candidates. She further submits that even the representation is in the form of a call being raised not only

on her behalf but on behalf of all the persons whose names appear in the list of wait listed candidates.



7. However, in the facts and circumstances, we are of the considered view that no prejudice is likely to be caused to the respondents, if the respondents consider the applicant's aforesaid representation in terms of their own rules and policy and to dispose of the same by passing an appropriate reasoned and speaking order.

8. In view of the aforesaid, without going into the merit of the applicant's claim, the present OA is disposed of with direction to the respondents to consider the applicant's aforesaid representation dated 20.04.2021 and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within eight weeks of receipt of a copy of this Order.

9. OA is disposed of in the aforesaid terms. No costs. Pending MA also stands disposed of accordingly.

(R.N. Singh)
Member (J)

(A. K. Bishnoi)
Member (A)

/ravi/anjali/akshaya/