

5

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 750 OF 2013
CUTTACK, THIS THE 11th DAY OF November, 2013

**CORAM
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)**

.....
Dr. Sunita Routray,
Aged about 36 years,
W/o Pratap Kumar Jena,
At present residing Plot No. 885/886,
Prasati Bihar, Baramunda,
Bhubaneswar- 751013,
Dist - Khurda.

.....Applicant

(Advocate(s) : M/s. A.K.Parida, D.R.Swain, M.R.Nayak)

VERSUS

Union of India Represented through

1. Director General, CSIR,
Anusandhan Bhawan, 2- Refikmarg,
New Delhi- 1.
2. Director CSIR IMMT, Bhubaneswar,
Post Regional Research Laboratory,
Bhubaneswar-751913, Dist. Khurda.
3. Nikhil Dhawan Fellow Scientist,
IMMT, Bhubaneswar,
Bhubaneswar, Dist. Khurda.
4. Prasant Kumar Sarswat PDF,
University of Utah, USA.
5. Bada Jena, Susant Kumar, IMMT,
Bhubaneswar, Dist. Khurda.
6. Sonal Shivaji Padalkar, PDF Scholar,
Purdue University, Purdue Mall,
West Lafayette, In-47907, United States.

... Respondents

Advocate(s) :

ORDER (ORAL)

MR. A.K.PATNAIK, MEMBER (JUDL.):

Being aggrieved for non-calling her to appear at the
selection for the post of Sr. Scientist (Post Code No. 4301) while

Alez

calling the others, applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief :

- "i) Let the impugned Notification under Annexure-A/9 dated 16.09.2013 be declared as illegal and liable to be set aside;
- ii) Let the Respondent No.2 be directed not to publish the result pursuant to interview held on 25.10.2013;
- iii) Let the Respondent No.2 be further directed to consider and select the applicant for interview for the post of Senior Scientist under Post Code 4301 and allow her to face interview;
- iv) And to pass such further order..."

2. A resolution has been made and communicated by the C.A.T. Bar Association to the extent as under:

"In continuation to our earlier resolution dt. 27.09.2013, 01.10.2013, 03.10.2013, 07.10.2013, 10.10.2013, 22.10.2013, 25.10.2013 and 31.10.2013, the General body meeting of C.A.T. Bar Association unanimously resolved to abstain from Court work till 11.11.2013".

In view of the above, Ld. Counsel for the either parties are absent.

3. However, Dr. Sunita Routray, the Applicant, appeared in person and, while stating the urgency, has prayed for taking up the matter today. Accordingly, having heard with the aid and assistance, perused the record.

I find that the applicant has approached this Tribunal without availing the opportunity by way of filing any representation/appeal if she was not called for to appear at the selection while calling the other candidates to appear at the said test.

Section 20 (1) of the Administrative Tribunal Act provides as under:



X

“A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant ha availed of all the remedies available to him under the relevant service rules as to redressal of grievance.”

4. On being pointed out, the applicant (Dr. Sunita Routray) has fairly submitted that she would be satisfied if she is permitted to make a representation within seven days to the competent authority, i.e. Respondent No.2, and in that event if the Respondent No.2 is directed to consider and dispose of the same within a reasonable period. It has also been submitted by her that since the interview has already taken place and in case the post is filled up, even if she succeeds this will lead to multiplicity of litigation and to avoid the same appropriate order may kindly be passed to keep one post of Sr. Scientist (Post Code No. 4301) as advertised under Annexure-A/8 vacant till disposal of her representation. She has also filed a memo to the above extent.

5. In view of the above, without expressing any opinion on the merit of the matter this O.A. is disposed of at this admission stage with direction to Respondent No. 2 to consider the representation of the applicant and communicate the result thereof in well reasoned order to the applicant within 30 days from the date of receipt of the representation, if the applicant makes any such representation within a period of 7 days hence relating to the selection to the post in question. Till the representation of the applicant, as stated above, is considered and disposed of, one post of Sr. Scientist (Post Code No. 4301) shall

WACO

be kept vacant and shall not be filled up. There shall be no order as to costs.

6. Applicant is at liberty to produce the copy of this order before Respondent No. 2 (by post), who on receipt of the order shall do well to comply with the order as directed above.


(A.K.PATNAIK)
MEMBER(Judl.)

RK