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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO.887 OF 2013
Cuttack the 8th day of January, 2014

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R. C. MISRA, MEMBER (A)

Rabindranath Patnaik,
aged about 51 years,
S/o. Raghunath Patnaik,
At- Nahaganda, P.O-Gazalbadi,
Ps-Sorada, Dist-Ganjam.
At present working as Junior Warden on
Contractual basis, AIIMS Mens' Hostel,
Sijua, Bhubaneswar-751019,
Dist-Khordha.

...Applicant

(Advocates: M/s- B.P. Satapathy, B.K. Nayak, A.K. Sahoo, S. Pradhan)

VERSUS

Union of India Represented through

1. The Secretary,
Ministry of Health & Family Welfare,
New Delhi.
2. All India Institute of Medical Sciences,
Bhubaneswar, Sijua,
P.O. Dum Duma,
Bhubaneswar-751019.
Dist. Khordha, represented by its Director.
3. Administrative Officer,
All India Institute of Medical Sciences,
Bhubaneswar, Sijua,
P.O. Dum Duma,
Bhubaneswar-751019,
Dist. Khordha.

... Respondents

(Advocate: Mr. S.B. Jena,)

S.B. Jena

ORDER(Oral)

A.K. PATNAIK, MEMBER (J)

Heard Sri B.P. Satapathy, Ld. Counsel appearing for the applicant and Sri S.B. Jena, Ld. Addl. CGSC appearing for the Respondents. Copy of this O.A. has been served on Sri S.B. Jena, Ld. Addl. CGSC for the Union of India/Respondents who accepts notice for the Respondents. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the action of the Respondents in not providing him appointment as Assistant Stores Officers though he stood second in the merit list prepared after the written and personal test/interview held on 16.07.2013.

3. Sri B.P. Satapathy, Ld. Counsel for the applicant submitted that an advertisement was issued by the Respondents on 02.07.2013 inviting applications from eligible candidates for different categories of posts including two posts of Asst. Store Officer. In response to which the applicant applied for the post of Asst. Store Officer. In terms of the advertisement, though the applicant appeared at the written test as well as interview, but he did not get any response/appointment order from the Respondents for which he made an application under RTI Act, 2005. On 29.10.2013 a reply was communicated to him by the CPIO, AIIMS, Bhubaneswar stating/enclosing the total number of candidates who were eligible for the post of Asst. Store Officer as well as marks awarded to them by the Selection Committee vide Annexure-A/3. By drawing our attention the letter dated 16.07.2013 (Annexure-A/3) Sri Satapathy submitted that




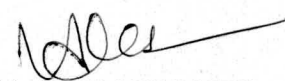
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from the aforesaid marks awarded by the Selection Committee it is crystal clear that the applicant secured 51 marks & was placed at Sl. No.2 of the merit list, which is next to one Saroj K. Palai. As two posts were advertised according to the applicant, he is entitled to be appointed to the said post having secured the second highest mark. Submitting all these facts the applicant made a representation on 04.11.2013 to the Administrative Officer, All India Institute of Medical Sciences, Bhubaneswar i.e., Respondent No.3 but till date no response/communication is stated to have been received by him.

4. Sri S.B. Jena, Ld. Addl. CGSC appearing for the Respondents submitted that he has no instruction whether any such representation has been preferred by the applicant and if so the status thereof. However, Sri Jena submitted that engagement is subject to the need of the Department. As no decision has been communicated on the representation, without entering into the merit of the matter, this O.A. is disposed of with direction that if any such representation is pending before the Respondent No.3, the same shall be considered, by him and decision taken thereon be communicated to the applicant in a well reasoned order within a period of 30 (thirty) days from the date of communication of this order. No costs.

5. Copy of this order be transmitted to Respondent No.3 at the cost of the applicant for which Sri Satapathy, Ld. Counsel for the applicant undertakes to file Postal requisites by 10.01.2014.

(R.C. MISRA) 
MEMBER(A)


(A.K. PATNAIK)
MEMBER (J)