

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.18/2004.

Wednesday this the 7th day of January 2004.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

K.P.Umaiban, D/o Muthukoya,
Former Auxiliary Nurse cum Midwife,
Primary Health Centre, Chetlat Island,
U.T. of Lakshadweep, residing at
Keelapura House, Kiltan Island,
UT of Lakshadweep. Applicant

(By Advocate Shri.Shafik M.A.)

Vs.

1. Union of India, represented by the Secretary,
Ministry of Health and Family Welfare,
New Delhi.
2. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
3. The Director of Health Services,
UT of Lakshadweep, Kavaratti. Respondents

(By Advocate Shri C.Rajendran, SCGSC(R-1))

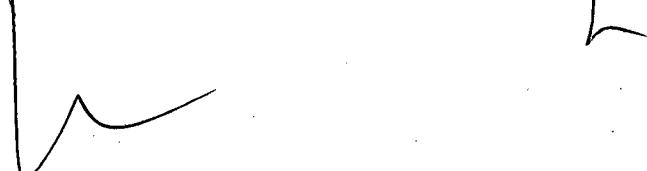
(By Advocate Shri S.Radhakrishnan(2 & 3)

The application having been heard on 7th January 2004,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

The applicant who was an Auxiliary Nurse cum Midwife, was terminated from service and is seeking re-appointment to the said post under the 3rd respondent contending that now she is fully qualified to be considered for the post and the vacancy is still existing. She has got an order Annexure A-3 issued by the 3rd respondent who has directed on the same line. It is averred in the O.A. that she has already submitted A-9 representation dated, 21.10.03 which is still pending with the 3rd respondent. It is also averred in the O.A. that, having acquired the ^{is entitled} requisite qualification, she is to be considered for the same post



as that has been done in A-8 order. Aggrieved by the non-disposal of A-9 representation she has filed this O.A. seeking the following reliefs.,

- i. To call for the records relating to Annexures A-1 to A-9 and to declare that the applicant is entitled to be re-appointed to service, now that she has obtained the required qualification as per the Recruitment Rules;
- ii. To direct the respondents to re-appoint the applicant as ANM, Primary Health Centre, Chetlat and to confirm her appointment after the probation treating her as a regular employee with requisite qualifications;
- iii. To direct the Ist respondent to dispose of Annexure A-9 representation immediately;
- iv. To issue such other appropriate orders or directions this Hon'ble Court may deem fit, just and proper in the circumstances of the case; and
- v. To award the costs of this Original Application.

2. Shri Shafik M.A. appeared for the applicant. Shri C.Rajendran, SCGSC took notice for respondent No.1 and Shri S.Radhakrishnan took notice on behalf of R.2 & 3.

3. When the matter came up before the Bench, learned counsel for the applicant submitted that the applicant would be satisfied if a direction is given to the Ist respondent to consider and dispose of the A-9 representation and to give the applicant a speaking order within a time frame. Learned counsel for respondents submitted that there is no objection in adopting such a course of actions.

4. In the interests of justice, in the light of what is stated above, we direct the Ist respondent or any other competent authority to consider and dispose of A-9 representation and to give the applicant a speaking order within a period of three months from the date of receipt of a copy of this order.

5. O.A. is disposed of as above. In the circumstances, no order as to costs.

Dated the 7th January, 2004.

H. P. DAS

ADMINISTRATIVE MEMBER

K. V. SACHIDANANDAN

JUDICIAL MEMBER

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