

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 279 of 2011

Thursday, this the 22nd day of March, 2012

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

Lekha. S., Puthenpurackal Vadakkathil,
 Cheruthana North, Ayyaparambu PO,
 Alappurza-690 517.

..... **Applicant**

(By Advocate – Mr. S. Sujin)

V e r s u s

1. The Director, Model & Super Speciality Hospital,
 Employees State Insurance Corporation,
 Asramam, Kollam.
2. The Joint Director, Model & Super Speciality
 Hospital, Employees State Insurance Corporation,
 Asramom, Kollam.
3. The Medical Superintendent, Model & Super
 Speciality Hospital, Employees State Insurance
 Corporation, Asramam, Kollam.

..... **Respondents**

(By Advocate – Mr. T.V. Ajayakumar)

This application having been heard on 22.03.2012, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Mr. Justice P.R. Raman, Judicial Member-

The applicant seeks the following relief:-

- “(1) Issue a direction to the respondents to produce the list of persons appointed under the OBC category who had secured appointment under the general quota.
- (2) Issue directions to fill up the earmarked quota of OBC.
- (3) Any other further relief or order as this Hon'ble Tribunal may



deem fit and proper to meet the ends of justice.

(4) Award the cost of these proceedings."

2. The applicant applied for a post of Staff Nurse in response to the notification issued by the respondents for recruitment of Group-C and Group-D paramedical staff in the Model & Super Speciality Hospital, Asramam which is managed by the Employees State Insurance Corporation. There were total 70 vacancies out of which 7 were reserved for Scheduled Caste and 19 for Other Backward classes. The applicant belongs to OBC category. She appeared for the written test and thereafter she also attended the interview. The select list was published by the respondents wherein the applicant was 7th in the reserved category of OBC and since no further action was made thereafter to fill up the 70 notified vacancies, the applicant approached the Tribunal by filing OA No. 766 of 2009 for a direction to fill up the vacancies. Annexure A-5 is the judgment rendered in the said OA.

3. It is admitted that the Tribunal had subsequently directed the respondents to produce the list of the 68 staff nurses together with the separate list of 29 persons already in position and the 13 persons who were given promotion. Separate list of OBC candidates among all the three categories were also directed to be given. Therefore, it can be seen that the list was produced and it was thereafter that the Annexure A-5 judgment was rendered by this Tribunal which found that the applicant has no case on merit and accordingly, the OA was dismissed. The said judgment of the Tribunal was affirmed by the Hon'ble High Court of Kerala. As such the applicant has no right to file a separate application on the very same ground. The applicant



wants certain information through this Tribunal, as is evident from the relief sought for in the present OA. Even if the applicant's name appears to be in the select list, the applicant has no indefeasible right to be appointed. Earlier the Tribunal has already given a verdict on the selection.

4. Having no grounds for interference, the Original Application is dismissed. No costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

"SA"