

14

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL


11.08.2009

OA No. 147/2005

Mr. Amit Mathur, Counsel for applicant.
Mr. V.S. Gurjar, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 11th August, 2009

ORIGINAL APPLICATION NO. 147/2005

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. Suwa Lal son of Shri Gyarsi Lal, aged about 40 years, resident of 66, Patel Nagar, Jaipur. Presently working as Statistical Assistant, CBHI, Jaipur.
2. Mahesh Chandra Vyas son of Shri H.R. Vyas, aged about 42 years, resident of 111/117, Agarwal Farm, Mansarovar, Jaipur. Presently working as Statistical Assistant CBHI, Jaipur.

.....APPLICANTS

(By Advocate: Mr. Amit Mathur)

VERSUS

1. Union of India through the Secretary, Department of Health, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi.
2. The Director General, Health Services, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi.
3. The Director, Central Bureau of Health Intelligence, Room No. 401, Wing A, Nirman Bhawan, New Delhi.
4. The Sr. Regional Director, Regional office, Ministry of Health and Family Welfare, D-49, C-Scheme, Jaipur.
5. Cadre Controlling Authority (SSS), Ministry of Statistics & Programme Implementation, Sardar Patel Bhawan, New Delhi.

.....RESPONDENTS

(By Advocate : Mr. V.S. Gurjar)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- “(i) respondents may be directed to include the names of applicants in the Subordinate Statistical Services with all consequential benefits including seniority as has been given to other employees who are included in the Subordinate Statistical Services.
- 42

- (ii) respondents may further be directed to make post permanent upon which the applicants are performing duties.
- (iii) Any other order or relief which this Hon'ble Tribunal thinks just and proper in the facts and circumstances of the case may kindly be passed in favour of applicants."

2. Briefly stated, facts of the case are that on the recommendations of the 5th Pay Commission, the Subordinate Statistical Service (SSS) was constituted vide Ministry OM No. 11011/2002-SSS dated 30.01.2002 and the service rules of the SSS were notified in the official gazette on 12.2.2002. Subsequent to this notification, fresh offers of posts for inclusion in the SSS were received from a few Ministries/Departments. At this stage, it may be stated that as many as 44 Departments of the Government of India form part of the Subordinate Statistical Service. From the material placed on record, it is evident that besides some of the Ministries/Departments subsequently sent intimation about certain changes in the number of posts earlier offered by them for inclusion in SSS due to various administrative reasons. On the other hand, in view of certain unavoidable reasons, there was a need to exclude some of the posts/Ministries earlier included in the SSS. In view of these changes a proposal to modify the cadre structure of the SSS and for incorporating necessary amendments to the service rules of the SSS was moved and approval of the DOPT to that effect has been obtained. Further from the material placed on record, it is also evident that necessary amendments in the service rules to SSS to this effect are going to be notified shortly.

3. The grievance of the applicants is that respondents have not included the names of the applicants in the list which was forwarded to the Appropriate Ministry for their inclusion in the Subordinate Statistical Service. Learned counsel for the applicant submits that applicants have also made representation to this effect but nothing has been heard from the respondents. It is on the basis of these facts the applicants have prayed for the aforesaid reliefs.

62

4. Notice of this application was given to the respondents. The respondents have filed their reply. In the reply, the respondents have stated that Statistical Assistants who have been included in the integrated list of Subordinate Statistical Service belongs to separate cadre. The names of the applicants were not included in the Subordinate Statistical Service since they are holding temporary posts. It is further stated that all the 20 posts of Statistical Assistants of six FSU's under the control of Central Bureau of Health Intelligence are temporary. In Para 7 of the reply affidavit, it has been categorically stated that the matter is under consideration of the Directorate of Central Bureau of Health Intelligence, New Delhi. Thus, the OA filed by the applicants is not sustainable.

5. We have heard the learned counsel for the parties. In view of the fact that the matter is under consideration of the Directorate of Central Bureau of Health Intelligence, New Delhi, we are of the view that the present OA can be disposed of with a direction to respondent no. 2, the Director General, Health Services, Ministry of Health & Family Welfare, New Delhi, to decide the claim of the applicants and pass appropriate order within a period of three months from the date of receipt of a copy of this order. *Ordered accordingly*

6. With these directions, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ