

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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ORDER SHEET

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ORDERS OF THE TRIBUNAL

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3.7.2008

OA 250/2008

Mr.P.N.Jatti, counsel for applicant.

Heard learned counsel for the applicant.  
The OA stands disposed of, at admission stage  
itself, by a separate order.

  
(M.L.CHAUHAN)  
MEMBER (J)

vk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

Jaipur, the 03<sup>rd</sup> day of July, 2008

ORIGINAL APPLICATION NO.250/2008

CORAM :

HON' BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER

Mahesh Kumar Purohit,  
Pharmacist,  
O/o Additional Director,  
Central Govt. Health Scheme,  
Jaipur.

... Applicant

(By Advocate : Shri P.N.Jatti)

Versus

1. Union of India through  
Secretary to the Govt.,  
Ministry of Health & Family Welfare,  
Nirman Bhawan,  
New Delhi.
2. Director General,  
CGHS, Nirman Bhawan,  
New Delhi.
3. Addl.Director,  
CGHS,  
Kendriya Sadan Parisar,  
B-Block, Vidyadhar Nagar,  
Jaipur.
4. Jagmal Singh,  
Pharmacist,  
O/o Additional Director,  
CGHS, Vidyadhar Nagar,  
Jaipur.
5. Kailash Meena,  
Pharmacist,  
O/o Additional Director,  
CGHS, Vidyadhar Nagar,  
Jaipur.

... Respondents

(By Advocate : - - - )

## ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

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

"8.1 That by a suitable writ/order or direction the impugned order dated 28.6.2005 (Ann.A/2) be quashed and set aside.

8.2 That further by a suitable writ/order or direction the respondents be directed to fix the seniority of the applicant above Shri Jagmal Singh on SW 12 and Shri Kailash Meena on S.No.13 in the seniority list."

2. Briefly stated, facts of the case, so far as they are relevant for decision of this case, are that the applicant was given regular appointment on the post of Pharmacist w.e.f. 29.1.1987 i.e. from the date of his initial appointment, vide order dated 28.6.2005 (Ann.A/2). Grievance of the applicant is that vide OM dated 6.6.2008 (Ann.A/1) his name has been shown in the seniority list dated 15.1.2003 at S.No.16, whereas his name should have been incorporated at S.No.11-A. For the purpose, learned counsel for the applicant has drawn my attention to the OM dated 15.1.2003 (Ann.A/4), wherein date of appointment of the persons from S.No.12 to 15 is admittedly latter than that of the applicant. Learned counsel for the applicant has also drawn my attention to the representation of the applicant made to respondent No.3 on 16.6.2008 (Ann.A/5) against the impugned order. The said representation is still pending consideration.

3. I have heard learned counsel for the applicant. He submitted that he will be satisfied, at this stage, if a direction is given to respondent No.3 to decide applicant's representation (Ann.A/5) by passing a reasoned and speaking order.

4. In view of the submission made above <sup>and in</sup> as also in view of the fact that the applicant was given regular appointment w.e.f. 29.1.1987 on recommendation of the DPC, the applicant has made out a prima-facie case for the grant of seniority from the date of his regular appointment and such appointment cannot be said to be of fortuitous nature, as can be seen from the contents of Office Order dated 28.6.2005 (Ann.A/2). Be that as it may, since representation of the applicant against the impugned order, whereby he has been assigned seniority at S.No.16, is pending with respondent No.3, thus, without entering into the merit of the case I am of the view that it will be in the interest of justice if a direction is given to respondent No.3 to decide the said representation of the applicant by passing a reasoned and speaking order.

4. Accordingly, respondent No.3 is directed to decide the representation of the applicant dated 16.6.2008 (Ann.A/5) by passing a reasoned and speaking order and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. With these observations, the OA stands disposed of, at admission stage itself, with no order as to costs.

  
(M.L.CHAUHAN)  
MEMBER (J)

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