

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

20.4.2009

OA 67/2009

Mr. Anupam Agarwal, counsel for applicant.

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

B.L.KHATRI
(B.L.KHATRI)
MEMBER (A)

M.L.CHAUHAN
(M.L.CHAUHAN)
MEMBER (J)

vk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 20th day of April, 2009

ORIGINAL APPLICATION NO.67/2009

CORAM :

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

Smt. Sulabha V. Dhargave,
Lab Technician,
National Institute of Ayurved,
Madhav Vilas Palace,
Amber Road,
Jaipur.

... Applicant

(By Advocate : Shri Anupam Agarwal)

Versus

1. Union of India through
The Secretary,
Department of Ayush,
Ministry of Health & Family Welfare,
Room No.218, IRCS Building,
Red Cross Road,
New Delhi.
2. Director,
National Institute of Ayurved,
Madhav Vilas Palace,
Amber Road,
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 :

"It is therefore prayed that the record relating to vacancy and cadre of Museum Assistant may kindly be called and after perusal of the same the respondents may kindly be directed to initiate the process of filling up of the posts of Museum Assistant as per Rule-29 of the Rules of 1982 as amended. Respondents should further be directed to consider the candidature of the applicant. In case she is found fit, she should be promoted to the post of Museum Assistant from the date of availability of the vacancy with all consequential benefits.

In the alternative, it is further prayed that she should be given financial upgradation as per her entitlement according to ACP Scheme by holding DPC for the same."

2. Grievance of the applicant in this case is that she is eligible for promotion to the post of Museum Assistant but the respondents are not convening the DPC for promotion to the aforesaid post though the clear-cut vacancies are available. For that purpose, the applicant had initially filed S.B. Civil Writ Petition No.7035/2008, which was disposed of by the Hon'ble High Court vide order dated 19.9.2008 with a direction to the applicant to file a representation before the appropriate authority, who is expected to consider the representation.
3. Learned counsel for the applicant submitted that pursuant to the direction given by the Hon'ble High Court, the applicant had made a representation dated 7.5.2008 (Ann.A/1) to the Director, National Institute of Ayurveda, Jaipur, followed by a legal notice dated 29.11.2008, but the same has still not been decided.
4. We have given due consideration to the submissions made by learned counsel for the applicant. We are of the view that this OA can be disposed of at admission stage itself if a direction is given to respondent No.2 to decide the representation of the applicant dated 7.5.2008 (Ann.A/1) by passing a reasoned and speaking order.

5. Accordingly, respondent No.2 is directed to decide the representation of the applicant dated 7.5.2008 (Ann.A/1) within a period of six weeks from the date of receipt of a copy of this order. In case the applicant still feels aggrieved, it will be open for her to file a substantive OA thereby challenging the order to be passed by respondent No.2. Needless to add that we have not gone into the merit of the case and the OA is being disposed of only on the ground that representation of the applicant has not been decided by the respondents till date.

6. With these observations, the OA stands disposed of at admission stage itself. No order as to costs.


(B.L.KHATRI)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

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