

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

APPLICATION NO.: _____

at (S)

Respondent (S)

e for Applicant (S)

Advocate for Respondent (S) .

F THE REGISTRY

ORDERS OF THE TRIBUNAL


12.08.2009

OA No. 326/2007

Mr. Jaswant Singh, Counsel for applicant.

Heard learned counsel for the applicant.

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 12th August, 2009

ORIGINAL APPLICATION NO. 326/2009

CORAM:

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

Smt. Sulabha D. Dhargave daughter of Shri Vishwapal S. Dhargava, aged about 39 years, resident of 11/12, Shiv Shakti Colony, Gangapole near Jorawar Singh Gate, Jaipur. Presently working as Lab. Technician, National Institute of Ayurved, Madhav Vilas Palace, Amber Road, Jaipur.

.....APPLICANT

(By Advocate: Mr. Jaswant Singh)

VERSUS

1. Union of India through the Secretary, Department of AYUSH, Ministry of Health and Family Welfare, Room No. 218, IRCS Building, Red Cross Road, New Delhi.
2. The Director, National Institute of Ayurved, Madhav Vilas Palace, Amer Road, Jaipur.

.....RESPONDENTS

(By Advocate : -----)

ORDER (ORAL)

The applicant has challenged the validity of the order dated 03.06.2009 (Annexure A/1) whereby her representation was rejected. It has been mentioned in that letter that there are only two posts of Museum Assistant available in the Department and not eleven posts as contended by the applicant. It is further stated that one post is held by Shri Sita Ram Sharma and the other post held by Shri Beni Pd. Sharma fell vacant on 31.01.2008 on his retirement, as such only one post fell vacant on 01.02.2008. It is further stated that as per rules, for one post, five candidates can be considered from the zone of consideration while the applicant is at sl. No. 17 in the seniority list. Therefore, for one vacant post, she is not eligible to be considered in

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the zone of consideration. It is further stated that according to the rules, the vacant post of Museum Assistant falls in replacement point for unreserved and as & when the applicant will come under the zone of consideration and when a vacant post becomes available, her case will be considered by the DPC on the post of Museum Assistant as per rules.

2. In view of what has been stated above, we are of the view that the applicant has not made out any case for our interference. Learned counsel for the applicant submits that in fact there are three posts of Museum Assistant in the Department and not two posts, as contended by the Department. It is further averred that as on today there ^{have two} ~~is one~~ vacant post, which has to be filled by the Department. It is further argued that seven persons have already retired from service. Thus against two posts, as per the criteria evolved by the Department, ten persons have to be considered. This contention has not been supported by the applicant by any document. Therefore, this contention of the applicant cannot be entertained. It is, however, clarified that it will be permissible for the applicant to make representation in this respect to the authorities concerned with supportive documents. In case such representation is made within a period of two weeks from today, the respondents shall consider the same by passing a reasoned and speaking order within two months from the date of receipt of such representation.

3. With these observations, the OA is disposed of at admission stage with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ