

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

*Jaipur, the 10<sup>th</sup> day of August, 2011*

**TRANSFERRED APPLICATION No.38/2009**

**[CWP No.5442/1998]**

CORAM :

HON'BLE MR.JUSTICE K.S.RATHORE, JUDICIAL MEMBER  
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Dr.S.P.Tiwari  
S/o Shri Ganga Prasad Tiwari,  
R/o 12, Moti Colony, Govind Nagar (East),  
Amer Road, Jaipur.

... Applicant

(By Advocate : Shri R.D.Tripathi)

Versus

National Institute of Ayurveda,  
Madhav Vilas Palace,  
Amer Road, Jaipur, through  
Its Director.

... Respondents

(By Advocate : Shri M.D.Agarwal)

**ORDER (ORAL)**

The petitioner/applicant filed a S.B.Civil Writ Petition No.5442/1998 before the Hon'ble High Court, Jaipur Bench, with the following prayer :

- "i) to issue a writ of mandamus commanding the respondent to fill up the vacancy on the post of Associate Professor in Department of Sharir Rachana forthwith;
- ii) to direct the respondent to appoint the petitioner as Associate Professor if he has been selected with effect from the date, the appointments in other departments have been made in pursuance of advertisement Ann.1;

*Anil Kumar*

- iii) to direct the respondent to allow and pay all arrears of pay and allowances and other consequential benefits to the petitioner in view of his retrospective appointment as Associate Professor;
- iv) to issue any other writ/order/direction or declaration which this Hon'ble Court deems just fit and proper may kindly be also passed in favour of the petitioner;
- v) to allow the cost of this writ petition."

The said writ petition was transferred to this Tribunal for adjudication vide order dated 24.2.2009, which was registered in this Tribunal as TA 38/2009.

2. It is admitted that an advertisement No.1/97 (Ann.1) was issued by the respondents inviting applications for direct recruitment to the posts of Associate Professor in various specialties including one vacancy in the Department of 'Sharir Rachana'. It is also admitted that the applicant had applied for the post of Associate Professor in the Department of 'Sharir Rachana' and he was called for interview alongwith the other candidates. However, according to the applicant, he has not been issued an appointment order, whereas appointments in the other departments have been made.

3. Heard the rival submissions of the parties and perused the documents on record. The respondents stated that the petitioner/applicant was also called for the interview for the post of Associate Professor in the Department of Sharir Rachana alongwith other candidates, but the recommendations of the selection committee for the said post were kept in sealed cover due to vigilance case pending against the petitioner.

4. Learned counsel for the respondents stated at bar that the said departmental proceedings against the applicant were finalized by the respondents vide order dated 19.10.2001 and thereafter the sealed cover was opened and vide aforesaid order dated 19.10.2001 the applicant has been awarded the

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penalty of compulsory retirement and since he has been compulsorily retired from service, another suitable candidate has been appointed to the post of Associate Professor (Sharir Rachana) and as such the present writ petition/TA has become infructuous. These facts have not been controverted by learned counsel for the applicant.

5. In view of the above, the present writ petition/TA is dismissed as having become infructuous. No order as to costs.

*Anil Kumar*

(Anil Kumar)  
Member (A)

*K.S.Rathore*

(Justice K.S.Rathore)  
Member (J)

*vk*