

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 23rd day of November, 2010

ORIGINAL APPLICATION NO. 371/2010

CORAM

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

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Smt. Sulabha Dhargave daughter of Shri Vishwapal S. Dhargave, 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, Amer 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.
3. Sitaram Sharma, Museum Assistant, Office of National Institute of Ayurveda Madhav Vilas, Amer Road, Jaipur.

.....Respondents

(By Advocate: -----)

ORDER (ORAL)

This is the third round of litigation. Earlier the applicant has filed OA No. 67/2009 which was disposed of by this Tribunal vide order dated 20.04.2009 thereby directing the respondent no. 2 to decide the representation of the applicant dated 05.05.2008 by passing a speaking & reasoned order. Pursuant to the directions given by this Tribunal, the respondents passed an order dated 03.06.2009 whereby the representation of the applicant was rejected. The validity of the said order was challenged by the applicant by filing OA No. 326/2009. This Tribunal vide order dated 12.08.2009 upheld the validity of the said order and it was held that no case for our interference is made out. However, on the basis of the contention raised by the learned

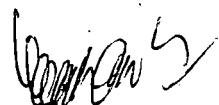
counsel for the applicant that there are 2 vacant posts of Museum Assistant, this Tribunal granted liberty to the applicant to make representation to the respondents alongwith supporting documents.

2. The applicant had made representation dated 26.08.2009 (Annexure A/4), perusal of which reveals that there are only 2 posts of Museum Assistant which was occupied by Shri Sita Ram Sharma, whose date of retirement is 31.10.2011 and another posts was occupied by Shri Beni Pd. Sharma, who had already retired on 31.01.2008. On the basis of the finding recorded by this Tribunal in earlier OA No. 326/2009, the applicant has not made out any case for our interference. Facts remains that there was only 2 posts of Museum Assistant, one is occupied by Shri Sita Ram Sharma and other post which fall vacant on retirement of Shri Beni Pd. Sharma on 31.01.2008 and the same is required to be filled in, the applicant does not come in the zone of consideration. This Tribunal in the earlier OA has already upheld the validity of the order dated 03.06.2009.

3. In view of what has been stated above, we are of the view that the grievance raised by the applicant in this OA ^{that} there are 2 vacant posts available of Museum Assistant cannot be entertained. Accordingly, the OA is dismissed at admission stage with no order as to costs.



(ANIL KUMAR)
MEMBER (A)



(M.L. CHAUHAN)
MEMBER (J)

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