

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.2780/2016

M.A. No.3437/2016

New Delhi this the 8th day of March, 2017

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)

HON'BLE MR. P.K. BASU, MEMBER (A)

Vinay Kumar Bharati
S/o Ram Nath Ram
Aged about 44 years
R/o H.No. 158
Block-B, New Ashok Nagar,
Delhi-96.
Post: Yoga Instructor Grade 'A'

-Applicant

(By Advocate: Shri Kislay Komal)

Versus

1. Union of India
Through its Secretary
Department of AYUSH
Ministry of AYUSH
Block 'B', GPO Complex, INA Colony,
New Delhi-110023.
2. The Director
Morarji Desai National Institute of Yoga
68, Ashok Road
New Delhi-110001

-Respondents

(By Advocate: Mrs. Harvinder Oberoi)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J):

Heard both sides.

2. With the consent of both the counsel, we have taken up the main OA for hearing.

3. The applicant, who is presently working as Yoga Instructor Grade 'A' under the respondent-Institute filed the OA seeking the following reliefs:-

- “a) Direct the Respondents to initiate DPC for the post of applicant and promote the applicant in accordance with service rules.
- b) pass such and other order(s) as this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case”.

4. The respondents in their counter submitted that as on today there is no vacancy in the promotional post of Assistant Research Officer (Yoga) and they are not holding any DPC. However, the learned counsel for the respondents submits that as and when a vacancy is available and if the applicant is otherwise eligible as per Rules, appropriate action will be taken by the respondents.

5. In the circumstances, the OA is disposed of by directing the respondents to consider the case of the applicant for the promotional post of Assistant Research Officer (Yoga) as per Rules, if he is otherwise eligible, as and when vacancies are available. No costs.

(P.K. BASU)
Member (A)

(V. AJAY KUMAR)
Member (J)

cc.