

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.2561/2018

MA No. 2866/2018

MA No. 2865/2018

New Delhi this the 27th day of August, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

1. Ankur Sharma, W/o Sh. Varun Gupta,
Assistant Drug Inspector,
Central Drugs Standard Control Organization,
Headquarters, FDA Bhavan, ITO, Kotla Road,
New Delhi-110002
2. Ramu Miryala, S/o Sh. Sathnaiah,
Assistant Drug Inspector,
Central Drugs Standard Control Organization
Zonal Office, CDSCO Bhawan,
Vengalrao Nagar, Hyderabad-500038
3. Veeraiah Banothu, S/o Sh. Gangya,
Assistant Drug Inspector,
Central Drugs Standard Control Organization
Zonal Office, CDSCO Bhawan,
Vengalrao Nagar, Hyderabad-500038 - Applicants

(By Advocate: Mr. Subodh Kr. Kaushik)

Versus

1. Union Public Service Commission,
Through Secretary,
Dholpur House, Shahjahan Road,
New Delhi-110 069
2. Director General,
Central Drugs Standard Control Organization,
Directorate of General of Health Services,
Ministry of Health & Family Welfare,
Govt. of India, FDA Bhavan, ITO,
Kotla Road, New Delhi-110 002 - Respondents

(By Advocate: Mr. RV Sinha)

O R D E R (Oral)

Ms. Nita Chowdhury, Member (A):

Heard Mr. Subodh Kumar Kaushik, learned counsel for the applicants and Mr. R.V. Sinha, learned counsel for the respondents, who appears on receipt of advance notice.

2. MA No. 2866/2018 for joining together is allowed for the reasons stated therein.

3. MA No. 2865/2018 seeking condonation of delay in re-filing the OA is also allowed, in the circumstances and for the reasons mentioned therein.

4. This Original Application (OA) has been filed by the applicants claiming the following reliefs:-

- “a) To quash and set-aside the order dated 08.07.2016 communicated via e-mail to the Applicants;
- b) To direct the Respondents to consider the candidature of the Applicants as eligible candidates and consider the applicants for further processes of selection including calling them for interview and considering them on merits of their case;
- c) to direct the respondents to appoint them as Drug Inspectors in case they come within the number of vacancies required to be filled as on the back date along with all consequential benefits;
- d) Pass any such further order(s) as this Hon’ble Tribunal deems fit and proper in the facts and circumstances of the present case.”

5. It is the contention of the learned counsel for the applicants that a similar matter has already been decided by the Tribunal in OA No. 2390/2016 with connected OAs on 22.03.2018 and prays that a similar direction may be given to the respondents to consider the claim of the applicants in the light of the same.

6. A bare perusal of the aforesaid order passed in OA No. 2390/2016 with connected OAs clearly reveals that the facts and issue involved in the instant OA are identical and squarely covered by the aforesaid order of this Tribunal wherein the following directions were issued:-

“18. These OAs are accordingly allowed. (i) The impugned rejection notices are hereby quashed. Respondent No.1 is directed to re-examine the claims of the applicants for selection/appointment to the post of Drug Inspector without applying the experience as notified in the advertisement (Recruitment Rules) as an eligibility condition. (ii) Since all the applicants were allowed to appear/participate in the examination, respondent No.1 would determine the merit of the applicants on the basis of marks secured by them in the written examination and interview, and such of the applicants who come within the merit, i.e., secured more marks than the cut off marks would be recommended for appointment within a period of two months from the date of receipt of copy of this order. On receipt of recommendations from respondent No.1, the respondent No.2 would issue necessary offers of appointment to the selectees/recommendees within a period of one month from the date of receipt of recommendations from UPSC and (iii) All those candidates who may be selected/appointed are entitled to the benefit of their appointment from the date the final result was notified. They will also be entitled to the notional benefit of appointment

including notional fixation of their pay, increments and seniority on the basis of their merit in the selection process. They will be entitled to actual financial benefits from the date of appointment/joining.”

7. In view of the above, the OA is disposed of, without going into the merits of the case, by directing the respondents to pass a reasoned and speaking order with regard to the claims of the applicants, in the light of the aforesaid order of this Tribunal passed in OA No. 2390/2016 with connected OAs, within a period of 90 days from the date of receipt of a copy of this order. No order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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