Central Administrative Tribunal
Principal Bench, New Delhi

OA No. 3114/2018
MA No. 3473/2018

New Delhi this the 17th day of August, 2018

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

1. Arun Singh Rawat,
(Emp. No.104043)
S/o late Sh. Jagdish Singh Rawat,
(aged about 30 years)
R/o Block No.1, H.No.64, Dashinpuri Extn.
New Delhi-110062
Working as Assistant, Group 'C',
ESIC Regional Office, Delhi

2. Sushil Kumar Gupta,
(Emp. No.104031)
S/o late Sh. Sheo Prasad Gupta,
(Aged about 37 years)
R/o Qtr. No.136, ESI Colony, Sec.56,
NOIDA (UP)
Working as Assistant, Group 'C',
ESIC Regional Office, Delhi - Applicants

(By Advocate: Mr. L.R. Khatana)

VERSUS

1. Employees' State Insurance Corporation,
(through its Director General)
Panchdeep Bhawan,
Comrade Inderjeet Gupta (CIG) Marg,
New Delhi-110002

2. Regional Director,
Employees' State Insurance Corporation,
Panchdeep Bhawan,
Comrade Inderjeet Gupta (CIG) Marg,
New Delhi-110002

3. Union of India
Through Secretary,
Ministry of Labour & Employment,
Shram Shakti Bhawan,
Rafi Marg, New Delhi - Respondents

(By Advocate: Mr. Rajive R. Raj for respondent no.3)

O R D E R (Oral)

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

Heard Mr. L.R. Khatana, learned counsel for the applicants and Mr. Rajive R. Raj, learned counsel for respondent no.3, on receipt of advance notice.

2. MA No.3473/2018 for joining together is allowed.

3. The applicants filed the OA seeking the following reliefs:-

> "A. That in the facts and circumstances of this case, this Hon'ble Tribunal may be pleased to hold the impugned inaction of the respondent to consider the applicants' case for relaxation of eligibility condition in the facts and circumstances of the case and resultantly denying to the applicants the opportunity to appear in the LDCE for the post of SSO as unjust, illegal, arbitrary, unreasonable, discriminatory, mala fide in law, perverse and quash and set aside the same and direct the respondents to consider the applicants' case for grant of relaxation in eligibility condition and allow them to appear/participate in the LDCE scheduled to be held on 18-19th August, 2018 (or on any date thereafter) for the post of SSO and promote them to the post of SSO, if they qualify the same, on merits with all consequential benefits.
>
> B. Pass any such other or further order or direction as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case."

4. It is submitted that in view of the injustice caused to the applicants and in view of inaction of the respondents in not permitting them to participate in the LDCE for the post of SSO, the applicants have made representations to the respondents vide Annexure A/6 (colly.) and the respondents, without disposing of the said representations, proceeding with the conducting of the LDCE. It is further submitted that though the LDCE is originally scheduled to be held on 18-19/08/2018 but as no roll number was issued to any of the candidates, the exam may not be held on the said dates.

5. In the circumstances, the OA is disposed of, without going into the merits of the case, by directing the respondents to consider Annexure A/6 (colly.) representations of the applicants and to pass appropriate speaking and reasoned order thereon within 90 days from the date of receipt of this order, in accordance with law. If the respondents conduct the LDCE exam for the post of SSO before disposal of the representations of the applicants, they shall permit the applicants also to participate in LDCE provisionally, and their result shall be kept in sealed cover, and the same would be dependent on the order to be passed by the respondents. No costs.

Order '**dasti**'.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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