

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO. 060/00170/2016

Chandigarh, this the 13th day of February, 2018

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

Sunil Kumar son of Sh. Krishan Chand, r/o Ward No. 17, Kholiplot
Cheeka, District Kaithal (age 24 years) Group-C.

....APPLICANT

(Argued by: Shri Raj Kaushik , Advocate)

VERSUS

1. Union of India through Ministry of Health, New Delhi.
2. Post Graduate Institute of Medical Sciences, Sector 12, Chandigarh through its Director.
3. The Assistant Administrative Officer, (Recruitment), PGIMER, Chandigarh.

....RESPONDENTS

(By Advocate: Shri Sanjay Goyal)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

By means of present Original Application (O.A.), the applicant seeks direction from this Tribunal to direct the respondents to consider his case for appointment against the post of Sanitary Attendant Grade-II under physically Handicapped (Ortho), OBC category.

2. The facts, which led for filing of the instant O.A., are that the Post Graduate Institute of Medical Education & Research (for short PGIMER), Chandigarh issued recruitment notice on 7.1.2016,

inviting applications for various posts, including 11 posts of Sanitary Attendant Grade II, out of which 5 posts were unreserved, 2 for ST category, and 4 for OBC category, which were to be filled from suitable persons with disability of (OL, LV, HV) with the closing date of 27.1.2016. The applicant, who is physically handicapped, (ortho), and also belongs to OBC category, being eligible, applied. He was subjected to written examination, which was held on 18.2.2016, in which he was declared as qualified. All the candidates, who declared successful, were called for documents verification on 20.2.2016. However, the applicant could not appear on the date fixed, because of 'Jat agitation' in State of Haryana. He submitted his representation on 24.2.2016 with a request to consider his candidature as his name fall within the short listed candidates and could not present on the date of verification of documents due to crises in State of Haryana i.e. Jat agitation. On the same date, he also served a legal notice for redressal of his grievances. Hence, the instant O.A.

3. Respondents have resisted the claim of the applicant, by filing written statement, wherein it has been stated that by corrigendum published in Hindustan Times on 2.2.2016 they withdrew the recruitment notice dated 7.1.2016 and decided to fill up these vacancies under special recruitment drive amongst the persons with disability. As per new corrigendum, they provided no reservation to any category under physically handicapped persons. The respondents did not dispute this fact that applicant applied and his name was included in the list of candidates who were called for documents verification. He did appear on that date.

However, they submitted that candidates who secured higher marks than the applicant and came within the number of vacancies were offered the appointment. Therefore, it is prayed that the O.A. be dismissed.

4. We have heard Sh. Raj Kaushik, learned counsel for applicant and Sh. Sanjay Goyal, learned counsel for respondents.

5. Sh. Raj Kaushik, learned counsel for applicant vehemently argued that once the applicant came within the zone of consideration, thus the respondents were required to offer him appointment instead of offering appointment to those persons who were lower in merit than the applicant in his category. Therefore, he prayed that the action of the respondents be invalidated and direction be issued to them to offer appointment under the OBC category to the applicant.

6. Sh. Goyal, learned counsel for respondents opposed his prayer and has submitted that once by corrigendum it has been made clear that they are not providing any reservation to any category under the physically handicapped, therefore, the plea of the applicant that he being a OBC category candidate be offered appointment in his category cannot be accepted. He also urged that they offered appointment to candidates as per their merit which was determined on the basis of marks secured by them in the written examination. The last candidate, to whom they offered appointment had secured 39 marks, whereas the applicant secured 36 marks, therefore, question does not arise to offer appointment to him which was strictly done as per merit determined on the basis of marks secured in the written examination.

7. Having completed all the formalities, having heard the learned counsel for the parties, having gone through the record and legal provisions with their valuable assistance, we are of the view that this O.A. has no merit and liable to be dismissed for the simple reason that once it has been clarified by corrigendum that the earlier recruitment notice has been withdrawn and being special recruitment drive for the persons with the disability, there shall be no reservation to any category and the selection will be based upon the merit to be determined on the basis of marks secured in the written examination. Moreover, since the applicant has secured lesser marks than the last candidate to whom appointment has been offered, therefore, the applicant has no case. Accordingly, the O.A. is found to be devoid of merit and is dismissed as such, with no order as to costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 13.02.2018

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