

**Central Administrative Tribunal
Madras Bench**

OA 310/01042/2018

Dated Monday the 6th day of August Two Thousand Eighteen

P R E S E N T

**Hon'ble Shri. R.Ramanujam, Member(A)
&
Hon'ble Shri. P. Madhavan, Member (J)**

Dr. S. Poopathi
No. 54, Mariamman Koil Street
Indira Nagar
Ellaipillai Chavadi
Puducherry 605 005. .. Applicant

By Advocate **M/s. Balan Haridas**

Vs.

1. Union of India
Rep. by Director General
Indian Council for Medical Research
(Ministry of Health and Family Welfare)
Department of Health Research
V. Ramalingamswami Bhawan
Ansari Nagar, New Delhi 110 029.

2. Secretary
Department of Health Research
Ministry of Health and Family Welfare
Government of India
2nd Floor, IRCS Building
Red Cross Road, New Delhi 110 001.

3. Secretary
Department of Personnel and Training (DoPT)
Office of the Establishment Officer

Government of India
North Block, New Delhi 110 029.

4. The Director
Vector Control and Research Centre
Indian Council of Medical Research
Indira Nagar, Puducherry 605 006. .. Respondents

By Advocate **Ms. Sunitha Kumari**

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. The applicant has filed this OA seeking the following reliefs:-

“i. To declare the action of the 1st respondent in not issuing the advertisement to fill up the post of Director of the 4th respondent Research Centre before six months from the date of retirement of the present incumbent Director as illegal, arbitrary and contrary to law and

ii. Consequently direct the 1st respondent to issue advertisement to fill up the post of Director of the 4th respondent Research Centre and select the candidates for the post of Director on the basis of merit and further direct the 1st respondent not to extend the tenure of the post of Director contrary to Office Memorandum bearing No. 26011/1/77-Estt-B dated 18.05.1977 and

iii. Pass such other orders or directions”

2. It is submitted that the applicant is presently working as Scientist F/Deputy Director (Senior Grade) in the 4th respondent Centre. He is eligible to apply for the post of Director which would fall vacant on 01.11.2018, consequent to the retirement of the present incumbent. However, the respondents have not taken any steps to fill up the post on the retirement of the present incumbent. It is alleged that the present incumbent is seeking extension of his employment and hence the advertisement has not issued. The applicant has given a representation to the 1st respondent requesting not to grant any extension to the present incumbent and to issue a notification to fill up the post.

3. Learned counsel for the applicant submits that the applicant would be satisfied if the respondents are directed to consider his representation and pass a speaking order within a reasonable time frame.
4. Ms. Sunitha Kumari takes notice on behalf of the respondents.
5. Keeping in view the limited relief sought and without going into the substantive merits of the case, we deem it appropriate to direct the first respondent to consider Annexure A8 representation of the applicant dt. 19.07.2018 and take a decision in accordance with law under intimation to the applicant within a period of one month from the date of receipt of copy of this order.
6. OA is disposed of at the admission stage.

(P. Madhavan)

Member (J)

AS

06.08.2018

(R.Ramanujam)

Member(A)