

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

OA/021/792/2016

Date of Order : 25.04.2018

Between:

1. Bhukya Vijay Nayak,
S/o. B. Rajya, aged about 29 years,
Occ: Pvt. Service, R/o. Plot No.01,
Narayanareddy Colony, Ameenpur,
R.C. Puram Mandal,
Medak District.
2. G. Naveen Kumar,
S/o. G. Lakshmaiah,
Aged about 27 years, Occ: Pvt. Service,
R/o. Ameenpur ,
R.C. Puram Mandal,
Medak District.
3. Goli Naresh Kumar,
S/o. Bapurao, aged about 30 years,
Occ: Pvt. Service, R/o.4-47, Forest Road,
Mandal and Village, Jannaram,
Adilabad District.

..... Applicants

AND

1. Union of India rep. by its
Secretary,
UPSC, Special Cell II Section,
New Delhi, India.
2. The Director General of Health Services,
Ministry of Health & Family Welfare,
Central Drugs Standard Control Organization (CDSCO),
New Delhi.
3. Union of India rep. by its
Secretary,
Ministry of Health & Family Welfare,
New Delhi.

..... Respondents

Counsel for the Applicants : Dr. A. Raghu Kumar
Counsel for the Respondents : Mr. B.N. Sharma, SC for UPSC

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDL. MEMBER
THE HON'BLE MRS. MINNIE MATHEW, ADMN. MEMBER

ORAL ORDER

{ Per Hon'ble Mr.Justice R. Kantha Rao, Judl. Member }

Heard Dr. A. Raghu Kumar, learned counsel appearing for the Applicants and Mr. Ajay Kumar, learned proxy counsel appearing for the Respondents.

2. The 1st Respondent issued Notification Online Recruitment Application (ORA) dated 6.3.2015 for the posts of Drugs Inspectors in Central Drugs Standard Control Organization (CDSCO), Ministry of Health & Family Welfare. Pursuant to the said Notification, the Applicants participated in the Combined Computer Based Recruitment Test and passed the said Test. Thereafter, the 2nd Respondent released the list of selected candidates for the interview and the names of the Applicants and of some others were missing in the said list. Subsequently, the Applicants and others were informed of the reason for not including their names in the select list as 'not possessing Essential Experience Certificate'.

3. Some candidates who were not called for interview, filed O.As before the Tribunal and the same are pending. In the Principal Bench of C.A.T, on the same issue, several O.As came to be filed by several Applicants. The

Principal Bench disposed of the O.A. No.2390/2016 & batch before it by order dated 06.04.2018 and the operative portion of the order reads as follows:

“17. In view of the dictum of the aforesaid judgement and the interpretation of the statutory rules, we are of the considered opinion that the experience laid down as an essential qualification in the advertisement is without any sanction of law. Such experience is not an essential qualification/ eligibility condition for the post of Drug Inspector. The only essential qualification which is to be applied for purposes of selection/ appointment to the post of Drug Inspector is as prescribed under Rule 49 of Drugs and Cosmetics Rules, 1945. Any additional qualification, even if, prescribed under the recruitment rules would not operate. The rejection of the candidatures of the applicants on the strength of the recruitment rules and advertisement is unjustified, unwarranted and *non est* in the eyes of law.

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.”

4. Since the very same issue has been considered and decided by the Principal Bench of Central Administrative Tribunal, New Delhi, the present

O.A. is disposed of in terms of the ratio laid down by the Principal Bench in O.A. No.2390/2016 & batch. The Respondents are, therefore, directed to call the Applicants for Interview without insisting upon the Essential Experience Certificate and consider their candidature along with others for the posts of Drugs Inspectors. The O.A. is accordingly disposed of without any order as to costs.

(MINNIE MATHEW)
ADMN. MEMBER

(JUSTICE R.KANTHA RAO)
JUDL. MEMBER

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