

Central Administrative Tribunal
Jaipur Bench, Jaipur
O.A. No. 176/2017

Date of decision: 24.07.2018

Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A.Mukhopadhyaya, Member (A)

Mukesh Meena S/o Shri Makhan Lal Meena, aged about 35 years resident Ward No.1, Abhaypura Road, Village Palsana, Tehsil Dantaramgarh, District Sikar-332402 presently residing at F-265, Lal Koshi Scheme, Jaipur-302015. Applicant applied the post of Drug Inspector (Group B) in UPSC.

...Applicant.

(By Advocate: Shri Saleem Khan for Shri Tanveer Ahmed)

Versus

1. Union of India through Secretary Ministry of Health & Family Welfare, 9th Level, A-Wing, IP Extension, Delhi Secretariat, Delhi - 110002.
2. Union Public Service Commission through its Secretary, Dholpur House, Shahjahan Road, New Delhi-110069.
3. The Central Drugs Controller General (I) having its office at Ministry of Health and Family Welfare, Government of India, FDA Bhavan, ITO, Kotla Road, New Delhi-110002.

...Respondents.

(By Advocate: Shri D.C.Sharma for R-2)

ORDER (ORAL)

Per : Suresh Kumar Monga, Member (J)

The instant Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs:

(2)

"I. The action/omission on the part of the respondents in not selecting the applicant under ST category for the post of Drug Inspector in pursuant to the advertisement (Anex.A/2) qua vacancy no.15020403128 and keeping 03 posts of ST category of the post of Drug Inspector as Vacant by putting the NOTE-III in the impugned result dated 09.08.2016 (Annexure A.1) may kindly be declared arbitrary and illegal and accordingly the respondents be directed to select and appoint the applicant onthe post of Drug Inspector in pursuant to the advertisement (Anex.A/2) qua vacancy no. 15020403128 being the available qualified candidate of ST category, with all consequential benefits, in the interest of justice.

II. Any other order or direction which this Hon'ble Tribunal deems just and proper may also be passed in favour of the applicant.

III. Cost of the Original Application may also be awarded in favour of the applicant."

2. At the very outset, Shri Saleem Khan appearing as proxy for Shri Tanveer Ahmed, learned counsel for the applicant stated that the matter is no longer *res integra* as the identical controversy, as involved herein, has already been decided by the Principal Bench of this Tribunal by an order dated 22.03.2018 in OA No.2390/2016 along with 20 connected OAs. Learned counsel for the respondents does not dispute the said fact.

3. In view of the above, the instant Original Application is disposed of in terms of order dated 22.03.2018 passed in OA No.2390/2016 by the Principal Bench of this Tribunal. Accordingly, the impugned rejection notice is hereby quashed.

(3)

Respondent No.2 is directed to examine the claim of the applicant for selection/appointment to the post of Drug Inspector without applying the eligibility condition of experience, as notified in the advertisement (Recruitment Rules) and determine his merit on the basis of marks secured by him in the written examination and interview and in the eventuality of his securing more marks than the last cut off then recommend his case for appointment within a period of two months from the date of receipt of a copy of this order. On recommendations of Respondent No.2, the competent authority would issue necessary offer of appointment to the applicant within a period of one month thereafter. The applicant shall be entitled to the benefit of his appointment from the date, the final result was notified. He shall also be entitled to the notional benefit of appointment, including notional fixation of his pay, increments and seniority on the basis of his merit in the selection process. However, he shall be entitled to actual financial benefits from the date of his joining.

4. Ordered accordingly. No costs.

(A.Mukhopadhyaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/

(4)