

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.822 of 2019

Orders reserved on : 13.03.2019

Orders pronounced on : 19.03.2019

Hon'ble Ms. Nita Chowdhury, Member (A)

Hon'ble Mr. S.N. Terdal, Member (J)

Manikant Kumar,
Working as Nursing Orderly, Group D,
Aged about 28 years,
S/o Sh. Kanta Prasad,
R/o Flat No.-A2/803, ESIC Colony, NH-3,
NIT, Faridabad, Haryana,
New Delhi

....Applicant

(By Advocate : Shri R.K. Sharma)

VERSUS

1. Director General,
E.S.I. Corporation,
Panchdeep Bhawan,
Kotla Road, New Delhi-02
2. The Director (Adm.),
Regional Office, Delhi,
Rajendra Bhawan,
Rajendra Place, New Delhi 110008
3. The Director,
E.S.I.C. Hospital, Sector-9A,
Gurugram, Haryana 122001
4. The Medical Superintendent,
Employees State Insurance Corporation,
Medical & Hospital,
Faridabad, Haryana
5. Tara Arogya Snasthan,
Mangal Sathan, Ram Chanderpur,
Bihar Sarif (Nalanda)

....Respondents

ORDER

Ms. Nita Chowdhury, Member (A):

By filing this OA, the applicant is seeking the following reliefs:-

“(i) Quash and set aside the impugned Order dated 05.03.2019.

(ii) To pass such other and further orders which their lordships of this Hon’ble Tribunal deem fit and proper in the existing facts and circumstances of the case.

2. The grievance of the applicant is against the Notice of cancellation of his candidature dated 5.3.2019 vide which his candidature (serial No.17) for the post of Nursing Orderly was rejected by the respondents on the ground that experience acquired by the applicant from Tara Aarogya Sansthan, Bihar is not as per RRs of Nursing Orderly.

3. As per the Recruitment Rules for the post of Nursing Orderly, as mentioned in the Advertisement, a candidate must be Matriculation or equivalent from recognized board; having elementary knowledge of first aid; and one year experience in handling and dressing wounds in Govt. approved/registered Nursing Home/Hospital.

4. We heard learned counsel for the applicant at the admission stage itself, who argued on the basis of the grounds raised in the OA. We have also perused the experience certificate annexed by the applicant with the OA at page 17 of the paper book. We find that this certificate has been issued by Tara Aarogya Sansthan, Nalanda, Bihar and

not by the Health Directorate, Bihar. Further, we find that this registration registers the said Sansthan as an Institution only and not as a Hospital/Nursing Home as was the requirement in the advertisement. Thus, the applicant has not been able to produce experience certificate from a Hospital/Nursing Home registered with Government. Hence, the respondents were right in rejecting his candidature. Further the applicant has not annexed the copies of notices dated 14.2.2017, 15.2.2017, 28.4.2017 and 9.3.2018, which were mentioned in the impugned notice. It is further relevant to note that applicant joined the said post on 20.9.2017 and the impugned order was issued on 5.3.2019, i.e., much before the completion of two years' probation period. In the Office Order dated 31.10.2017, it has also been specifically mentioned that his appointment is provisional and subject to verification identity, education qualifications, experience certificates and caste certificates etc.

5. In view of the above facts and circumstances of the case, and for the foregoing reasons, we do not find any *prima facie* case is made out in this case for issuance of notice to the respondents. As such the present OA is dismissed in *limine*. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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