

**Central Administrative Tribunal
Principal Bench, New Delhi**

**OA No. 2209/2019
MA No. 2385/2019**

New Delhi this the 29th day of July, 2019

**Hon'ble Sh. Pradeep Kumar, Member (A)
Hon'ble Sh. R.N. Singh, Member (J)**

1. Soran Singh,
Age 39 years Group-C
S/o Sh. Aman Singh,
R/o E-748, Rajeev Gali,
Ashok Nagar, Shahdara,
Delhi-110093, Des-Lab-Assistant
2. Vikash,
Age 37 years Group-C
S/o Sh. Iswar Lal,
R/o I-590, Bheem Gali,
Sabzi Mandi, Malka Gunj,
Delhi-1100007, Des-Lab Assistant
3. Meenakshi
Age 29 years Group-C
W/o Sh. Chandra Mohan,
R/o H.No.100, Mata Wali Gali,
Old Maujpur, Near Sabji Mandi,
Delhi-110053. Des-LabAssistant. ... Petitioners

(By Advocate : Sh. Harish Kumar)
Versus

1. Chief Secretary
Govt. of N.C.T Delhi
New Secretariat, New Delhi.
2. Principal Secretary (Health),
Govt. of NCT Delhi
New Secretariat, New Delhi.
4. Chairman,
DSSSB,
FC-18, Institutional Area,
Karkardooma Delhi-92. ...Respondents

(By Advocate : Sh. Anuj Kumar Sharma)

ORDER (ORAL)

Sh. R.N. Singh, Member (J)

Heard.

2. The applicants three in numbers have filed the present OA under section 19 of the AT Act, 1985, seeking following reliefs :-

“a. direct the respondents to appoint the present applicants (wait list/panel candidates) for the post of Laboratory Assistant (Group-IV) post code 30/14).

b. Direct the respondents to grant notional seniority from the date when other candidates appointed on the post of Lab Assistant against the Advertisement No.01/14.

c. direct the respondents to grant the back arrears.

d. Any other relief which this Hon'ble Tribunal may deem fit and proper in the interest of justice may be awarded to the applicant and against the respondents.”

3. The facts of the present OA, as claimed on behalf of the applicants, are that the Advertisement No. 01/2014 was issued by the respondents in January, 2014 for recruitment on various posts including Laboratory Assistant(Group-IV) and the last date for submission of the application form in this regard was 27.02.2014. The applicants participated in the selection process in pursuance of the aforesaid advertisement and they were empanelled as wait listed candidates for the said post of Laboratory Assistant (Group-

IV). The grievance of the applicants in the present OA is that though on account of various reasons including the one that certain empanelled candidates did not join the post, around 15 vacancies of Laboratory Assistant (Group-IV) remain vacant and the applicants' documents were also verified, however, the respondents have not issued offer letter for appointment to the applicants and they have advertised the post afresh vide advertisement No. 2/18 dated 5.7.2018. The applicants have got a Legal Notice dated 25.07.2018 (Annexure A-I) issued to the respondents for redressal of their grievance regarding their appointment to the said post. However, the same has not been considered by the respondents.

4. The applicants have filed MA No.2385/2019 seeking to permission to them to file the OA jointly. He further submits that all the three applicants are similarly placed and they have raised identical issue in the present OA. In view of the facts and circumstances, the MA is allowed.

5. At this stage, learned counsel for the applicants submit that applicants shall be satisfied, if the present OA is disposed of at this stage with a direction to respondent No.2 & 3 to consider the Legal Notice dated 25.07.2018 (Annexure A-I) and to dispose of the same by passing a reasoned and speaking order in a time bound manner. We are of the considered view that if such a request of

the applicants is accepted, no prejudice is likely to be caused to the respondents even in absence of any reply from them.

6. In view of the aforesaid, without going into the merits, the OA is disposed of with a direction to the respondents No. 2 & 3 to consider the aforesaid Legal Notice dated 25.07.2018 and pass a reasoned and speaking order within a period of four weeks from receipt of a certified copy of this order. No order as to costs.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

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