

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

OA.No.1047, 1139 & 1141/2016

Dated Friday, the 12th day of April, 2019

PRESENT

**Hon'ble Mr.R.Ramanujam, Administrative Member
&
Hon'ble Mr.P.Madhavan, Judicial Member**

Dr. C. Rajan Rushender
No. B-8, Old Medical Quarters
SRM Medical College
Potheri
Kattankulathur
Kanchipuram District. Applicant in OA 1047/2016

Dr. V. Mangayarkarasi
No. 22/22, Veteran Lines
Pallavaram, Chennai 600 043. Applicant in OA 1139/2016

Dr. M.R. Renuka Devi
20/582, 16th Street, 4th Sector
K K Nagar
Chennai 600 078. Applicant in OA 1141/2016

By Advocate M/s N. Anand Venkatesh

Vs

1. The Union of India
Rep. by the Secretary,
Ministry of Labour & Employment
Shram Shakti Bhavan
Rafi Marg, New Delhi – 110 001.

2. The Director General
ESI Corporation, Panchdeep Bhavan
CIG Marg, New Delhi 110 002.

3. The Joint Director (Recruitment)
Employees State Insurance Corporation
Panchdeep Bhavan
CIG Marg, New Delhi – 110 002.

4. The Deputy Director (Recruitment)
Employees State Insurance Corporation
Panchdeep Bhavan
CIG Marg, New Delhi – 110 002.

5. The Dean
ESIC Post Graduate Institute of Medical Science
and Research and Medical College
K K Nagar,
Chennai – 600 078.

6. The Secretary
Medical Council of India
Pocket 14, Sector – 8
Dwarka Phase I
New Delhi 110 077.

... Respondents in all OAs

By Advocate Mr. T.N.C. Kaushik
M/s. V.P. Raman (R6)

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

Heard. According to the learned counsel for the applicants, the facts and issues involved and the relief sought in all the three cases are one and the same. The cases are, therefore, taken up together and disposed of by this common order. For the sake of convenience OA 1047/2016 is taken as the lead case.

2. The applicant in OA 1047/2016 has sought for the following relief:

“To direct the 4th respondent to conduct interview for the applicant for selection to the post of Associate Professor in Community Medicine, under SC category, at ESIC PGIMSR, Chennai, on direct recruitment and issue selection order on the basis of merit, in accordance with law and pass such other further orders as this Hon'ble Tribunal deem fit and proper.”

3. The grievance of the applicants in the three cases is that they applied for the post of Associate Professor in the respective discipline in the fifth respondent college. They were called for interview on 20.06.2016. However, on the said date they were prevented from appearing at the interview and orally told that they were not eligible for the post. The applicants possessed the requisite qualification as advertised and their candidature could not

be rejected arbitrarily in this manner, it is contended.

4. Learned counsel for the applicants would submit that though the applicants possess the requisite qualification, the respondents took a stand that their experience in un-recognized institutions could not be counted.

5. He would further submit that an identical case was decided in OA 918/2016 by an order dated 23.01.2019 in favour of the applicant therein. The applicants herein are similarly placed and they would be satisfied, if a similar relief is granted.

6. To a pointed query from the Bench whether the applicants herein also were certified to be eligible by the Medical Council of India (MCI), the sixth respondent herein, which was the case in respect of the applicant on whose precedent, the applicants herein seek to rely on, the learned counsel for the applicants would submit that there was no such specific letter from the MCI in favour of the applicants herein although the applicants are similarly placed. Accordingly, the applicants had sought to implead the MCI additionally for which permission was granted by this Tribunal. However, the MCI has not filed any reply so far.

7. Learned counsel for the applicant would also categorically state that though the applicants were not appointed, the relevant

posts are still vacant and contract appointees are being continued presently.

8. There is no representation for the respondents. On perusal, it is seen that there was no representation for the respondents previously also on 30.07.2018 & 24.07.2018. As a similar matter has already been disposed of by this Tribunal in OA 618/2018 and the only difference appears to be the absence of certification by the MCI validating the qualification/experience of the applicants herein, we are of the view that these OAs could be disposed of with a direction to the competent authority to consider the claim of the applicants for appointment in pursuance of the employment notification dated 30.09.2015 after ascertaining from MCI, if the qualification/experience of the applicants herein could be recognized in terms of the MCI rules, and pass a reasoned and speaking order in the light of the order passed by this Tribunal in OA 918/2016 dated 23.01.2019 within a period of three months from the date of receipt of a copy of this order.

9. OAs are disposed of as above. No costs.

(P.MADHAVAN)
MEMBER(J)
M.T.

12.04.2019

(R.RAMANUJAM)
MEMBER (A)