

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE DR JUSTICE SHAMEEM AKTHER

W.P. No. 13020 of 2017

O R D E R:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 09.08.2016 in O.A.No. 3108 of 2016 passed by the Tribunal, whereby, the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985, was dismissed.

The case of the petitioner is that he made a representation dated 02.12.2015 to the 4th respondent requesting him to consider his case for promotion to the post of Dietician. Subsequently, the 4th and 3rd respondents sent proposals to the 2nd respondent vide Memo No.1987/ Es/ Dh/ MBNR/ 15, dated 21.12.2015 and Memo Rc.No.2014/ E4/ DCHS/ MBNR/ 15, dated 07.01.2016 respectively, however the 2nd respondent did not consider his representation. Therefore, the petitioner filed O.A.No.3108 of 2016 challenging the action of the 2nd respondent in not considering his representation. The Tribunal, vide order dated 09.08.2016, dismissed the O.A. holding that single application of the petitioner for appointment by transfer to the post of Dietician was rightly not considered by the 2nd respondent. Now, the grievance of the petitioner is that even though he is fully eligible and qualified to be promoted to the post of

Dietician, and the 3rd and 4th respondents sent proposals to the 2nd respondent, the Tribunal, without properly appreciating his case, dismissed his O.A.

This Court, without going into the merits of the case, is inclined to dispose of this writ petition directing the 2nd respondent - Commissioner to take decision on the representation of the petitioner said to have been made on 02.12.2015, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

20.07.2017

SURESH KUMAR KAIT, J

DR. SHAMEEM AKTHER, J

Note:-

The Registry is directed to transmit copy of this order to the 2nd respondent.

b/ o
bcj