

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10000 of 2022

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Sonambala Kumari Wife of Sri Ravi Shankar Kashyap Resident of Mohalla Mitra Mandal Colony, Anishabad, Flat No. 104, Shubh Prabhu Complex Anishabad, P.S.- Anishabad, District- Patna at present working as Senior Nursing Officer, ESIC Model Hospital, Phulwari Sharif, Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Labour and Employment, Govt. of India, New Delhi-110002.
2. The Director General (Hq) Employees State Insurance Corporation Panchdeep Bhawan C I G, New Delhi- 110002.
3. The Medical Commissioner (Med VI) Branch Headquarter office Employees State Insurance Corporation, Panchdeep Bhawan, C I G Road, New Delhi-110002.
4. The Deputy Director (MA) Employees State Insurance Corporation (Ministry of Labour and Employment) New Delhi- 110002.
5. The Regional Director, ESI Corporation Regional office Jawaharlal Nehru Marg, Panchdeep Bhawan, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate
For the Respondent/s : Mr. Alok Kumar Sinha, CGC

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 16-08-2022

Heard learned counsels for the respective parties.

Petitioner has assailed the order dated 28.04.2022 passed in OA No. 050/00256/2022 passed by the Central Administrative Tribunal Patna Bench, Patna.



The petitioner is in the cadre of Senior Nursing Officer. She has approached the Central Administrative Tribunal seeking for creation of Assistant Nursing Superintendent post for the benefit of Senior Nursing Officers in the light of Annexure-2 dated 13.11.2019.

Creation of any post in any of the Government/Organization is policy matter. Officers/Employees have no statutory right to seek a direction from the judicial forum to create post/number of posts etc. in the light of Hon'ble Apex Court decisions in the case of **P.U. Joshi & Others vs. Accountant General & Others** reported in **2003 (2) SCC 632** and further in the case of **Union of India vs. Pushpa Rani & Ors.** reported in **(2008) 9 SCC 242** wherein Hon'ble Apex Court in the aforesaid decisions has laid down the principle that creation of posts and other service conditions of employee issues in the Department/Government is purely a policy decision in which Court shall not interfere.

In the light of these facts and circumstances, there is no infirmity in the order of the Central Administrative Tribunal order dated 28.04.2022 passed in OA



No. 050/00256/2022. Accordingly, the petition stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

