

Jharkhand High Court

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Jharkhand Hill Resources ... vs Union Of India (Uoi) And Ors. on 17 August, 2007

Equivalent citations: 2007 (4) JCR 653 Jhr

Bench: M K Vinayagam, N N Tiwari

ORDER

1. As directed by this Court, a detailed report, containing various details of the filled up posts and the vacant posts, to be filled up in a phased manner, has been filed in the form of affidavit. It is assured that the filling up of posts against teaching and non-teaching staff in the Central Institute of Psychiatry (CIP), Kanke will be done in a phased manner, which is a time consuming job as it involves clearance/ approval from various agencies like Ministry of Health and Family Welfare. It is further assured that all bona fide efforts would be made to fill up the posts of teaching and non-teaching staff and the tentative time required for filling up the posts on regular basis is six months to one year, as indicated in Annexures-A to I.A. No. 2394 of 2007.

2. We have gone through Annexure-A. There are varieties of posts, numbering eighteen. According to the respondents, some of the posts require six months' time and some of the posts require one year's time to be filled up. We have also heard learned Counsel for the petitioner as well as the respondents.

3. In the facts and circumstances of the case, we should have allowed the time frame, as indicated in Annexure-A, but it would be appropriate to direct the respondents to take steps to fill up the posts as earlier as possible, by starting the process by now itself and the process must be completed expeditiously. Therefore, it is deemed appropriate to adjourn the matter for three months to consider the developments through the status report, to be filed by them. We hope and trust that the department(s) concerned will take sincere and genuine steps to fill up the posts and to give a report about the progress in the matter before this Court after three months. Relevant portion of Annexure-A is recorded herein under: S. Name of Sanct. No. of No. of Whether RR Date of Action take to Ste ps to be taken

No. post with Str- posts posts exists/mode occurrence fill up the and tentative time

pay Scale engh filled vacant of recrui- of vaca- posts for filling up the

tment ncy and pos ts on regular

reasons bas is.

1. Addl. 1 0 1 Yes CHS The post is Proposal of Aft er receiving

Director Non-teac- vacant since promotion to app roval, suitabel

(18,300-22,300) ing by 1.4.05 dut SAG has been per son will be pos-

promotion/ to the sup- sent to ACC ted at CIP. The

tranfer erannuation on 7.6.2007 ten tative time re-

of the inc- qui red is six monts.

cumbent

2. Dy. Medical 2 0 2 Yes CHS non- - There was a CHS Division is

Supdt. teaching by communication taking action to

(14,300- promotion/ gap, due to pro vide suitable

18,300) transfer which was under persons. The ten-

impression that that

ive time requ-

this post was red

is one year.

not encadred

under CHS. He-

nce, he had

sent a proposal

for encadring

it. However, CHS

Division has now

informed that

there are two

posts of Dy. M.S.

out of which, one

posts was encadred

into CHS cadre in

1996 and another

in September,

2004.

3. Pathologist 1 0 1 Yes CHS Non- A Proposal of After conversion

(10,000- teaching. By conversion of of the post, CHS

15,200) direct recruitment- this post from Division will pro-

vide suitable person

to teaching The

tentative time

sub-cadre of req

uires to six

CHS is under mon

ths.

consideration.

4. Asst. prof. 5 2 3 Yes CHS Non- The three Proposal was The tentative

Psychiatry Non teach- posts are sent to UPSC time required is

(10,000/- ing By direct vacant on 9.3.2005. one year.

15,200/-) recruitment/ since 14.6. A panel of transfer 1998, 26.3. suitable can- 2001 & 23. dates was
12.2004 due received. Out to transfer of which one /promotion candidate has of the incu- joined on 26.
12.2006. In the

meantime, CIP,

Ranchi was gra-

anted permission

to fill up the

vacant posts on

contract basis

(followed by

regular appointmen

t)

vide letter dated

1.1.2006. The post

were advertised in

employment news of

30.9.2006-8.10.200

6

However, these pos

ts

were again adverti

sed

to fill up them on

contract basis

(followed by

regular appointmen

t)

in 7-13th July

Employment News

and on 23rd June,

2007 in other

Newspaper. Last

date of receiving

application was

4.8.2007. The

candidates have

been interviewed

on 11.8.2007.

5. Medical 5 4 1 Yes CHS Non The post is Panen has been Th e tentative

Officer teaching. vacant since received from ti me required is

(8,000 By direct 1.2.06 due UPSC and si x months.

13,500) recruitment to superann- candidate is /transfer uation of being offered the incumbent. the post.

6. Prof. of 1 0 1 No. Non- The post is Proposal for Th e tentative

Clinical CHS Teaching vecant since amendment of ti me required is

Psyhology its recreation RRS was sent on e year.

(12,000- i.e., 15.5.02, to UPSC in 16,500) due to non- April, 2005. finalisation However, the of RRS. porposal was returned by

October, 2005

directing to

send fresh

proposal in terms

of new quidelines

issued by DoP&T

In the meantime,

efforts were

made to fill up

the post on

contract basis

(following by

regular appoint-

ment). However,

suitable candidate

either did not

turn up to join

the post. It was

felt that one of

the reason behind

this was that

essential. Quali

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cation were at

higher side. So,

this aspect is

being taken care

of while framing

the fresh R/Rs.

Three meetings

of the Experts

Committee have

taken place in

July 06; Sept.

06 & April, 07

to decide as to

what extent the

Essential.

Qualifications

could be mini-

mized so that

suitable

candidates as

well as the

efficiency of

the institute

is not affected

adversely. In
the meantime,
a proposal has
been sent to
UPSC for deciding
the mode of
recruitment to
fill up the
post on regular
basis, in the
absence of
notified R/Rs.

7. Assoc. Prof 1 0 1 No Non-CHS The post was As in S. No. 6 As in S. No. 6

of Clinical Teaching filed up on Psychology ad noc basis (10,000- in February, 15,200), 1 2005 and its term is up
to 15.8.2007.

8. Asst. Prof 2 0 2 No Non-CHS The posts were As in S. No. 6 As in S. No. 6

of Clinical Teaching filed up on Psychology ad hoc basis (8,000- in May, 2005. 13,500) One post fallen
vacant due to
resignation of
the incumbent
on 3.3.2006
and the other
fallen vacant
because the
term of the
incumbent was

over on

30.5.2007.

9. Assoc. 1 0 1 Yes CHS The post was Proposal was The tentative

Prof. of non-teching filed up on sent to UPSC on time required

Neurology by direct ad hoc basis 9.3.2005 for is one year.

(12,200- recruitment in February, filling up 16,500) /transfer 2002 and filen these vacancy vacant since along with 4 more 27.2.2003 vacancies of because term other Institutes of the incum- However, panel bent was received from completed. UPSC was only for 3 persons,

who have been

posted in Delhi.

Hence fresh

requisition is

being sent to

UPSC by the

Ministry, In the

meantime, CIP,

Ranchi was grante

d

permission to fil

l

up the post on

contract basis

(followed by

regular appoint-

ment) vide letter

dated 4.1.2006.

The post was

advertised in
Employment News
of 30.9.2006-
8.10.2006.
However, no
candidate applied
for the post So,
the post was
again advertised,
to fill up on
contract bass
(followed by
regular appoint-
ment). In 7-13th
July Employment
News and on 23rd
June, 2007 in
other Newspapers.
Last date of
receiving appli-
cations was 4.8.
2007. The candi-
dates have been
interviewed on
11.8.2007.

10. Assoc. 1 0 1 Yes CHS Non- -- Proposal was The tentative

Prof. of teaching by sent to UPSC on time required

Radiodiag- direct 9.3.2005. Penal is six monts.

nosis recruitment/ has been received (12,000- transfer from UPSC. Dr. 16,500) Samir Rajiv Verma has been given

offer of appoint-

ment. However,

his acceptance

is awaited. In

the meantime, CIP

Ranchi was grante

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permission to fil

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up the post on

contract basis

(followed by

regular appointme

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4.1.2006. The pos

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advertised in

Employment News o

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30.9.2006-8.10.20

06.

However, not cand

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date applied for
the
post. So, the pos
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was again adverti
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to fill up on
contract basis
(followed by regu
lar
appointment), in
7-13th July Emplo
y-
ment News and on
23rd June, 2007 i
n
other Newspapers.
Last date of
receiving appli-
cations was 4.8.2
007
The candidates ha
ve
been interviewed
on 11.8.2007.

11. Assoc. 1 0 1 Yes CHS Non- -- Proposal was -Do-

Prof. of teaching by sent to UPSC on Radiodiag- direct 9.3.2005. UPSC nosis recruitment/ has sent the (12,000- transfer panel and the 16,500) persons are being offered

the post by the

Ministry. In the

meantime, CIP

Ranchi was grante

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permission to fil

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up the post on

contract basis

(followed by

regular appointme

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vide letter dated

4.1.2006. The

post was advertis

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in Employment New

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of 30.9.2006-

8.10.2006.

However, not cand

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date applied for

the

post. So, the pos

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was again adverti

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to fill up on

contract basis

(followed by regu

lar

appointment), in

7-13th July Emplo

y-

ment News and on

23rd June, 2007 i

n

other Newspapers.

Last date of

receiving appli-

cations was 4.8.2

007

The candidates ha

ve

been interviewed

on 11.8.2007.

12. Sr. Bio- 1 0 1 Yes Non-CHS The post was A proposal of CIP, Ranchi has

Chemist Non-Teaching filed up on encadrement/ been asked to

(10,000- by deputation ad-hoc basis conversion of send the proposal

15,200) in January, this post in to fill up the

2005 and CHS Teaching post in accordance

fallen vacant Sub-Cadre was with the RRs. The

since 29.1.07 under consider- tentative time

due to resig- ration. required is one

nation of the However, it year.

incumbent. would not be acceded to.

13. Prof. of 1 0 1 No Non-CHS The post is Proposal for The tentative time

Psychiatric Teaching vacant since amendment of required is one

Social work its recrea- R/Rs was sent to year.

(12,000- tion i.e., UPSC in April, 16,500) 15.5.02 2005. However, the proposal was

returned by them

in October, 2005

directing to

send fresh

proposal in terms

of new guidelines

issued by DoP &

T. In the meantim

e

efforts were made

to fill up the

post on contract

basis (followed

by regular appoin

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tment). However,

suitable candidates either did not apply for the post or did not turn up to join the post. It was felt that one of the reasons behind this was that Essential Qualifications were at higher side. So, this aspect is being taken care of while framing the fresh R/Rs. Three meetings of the Expert Committee have taken place in July, 06; Sept. 06 & April 07 to decide as

what extent the
Essential
Qualifications
could be minimize
d
so that suitable
candidates become
available as well
as the efficiency
of the institute
is not affected
adversely, In the
meantime, a propo
sal
has been sent to
UPSC to decide mo
de
of recruitment to
fill up the post
on regular basis,
in the absence of
notified R/Rs.

14. Asst. Prof. 1 0 1 No non-CHS The post is As in S. No. 13 As in S. No. 13

Psychiatric Teaching vacant since Social Work its recreation (8,000- i.e., 15.5.2002 13,500)

15. Assoc. 1 0 1 No non-CHS The post is As in S. No. 13 As in S. No. 13

Prof. Teaching vacant since Psychiatric Rs. recreation Nursing i.e., 15.5.2002 (10,000-

15,200)

16. Asst. Prof. 1 0 1 No non-CHS The post is As in S. No. 13 As in S. No. 13

Psychiatric Teaching vacant since Social Work its recreation (8,000- i.e., 15.5.02 13,500)

17. Chief 1 0 1 No non-CHS The post is Proposal has been The tentative

Nursing Teaching vacant since sent to UPSC in time required

Officer its recreation June, 2007 is one year.

(10,000- i.e., 15.5.02 15,200)

18. Chief 1 0 1 Yes The post has Proposal of reviv e The action will

Adminis- since been this post has be intiatiated to

trative lapsed and been sent to fill up the post

Officer require Ministry of as per R/Rs.

(10,000- revival. Finance on after receiving

15,200) 25.7.2007 the approval

from Min. of

Finance of

revival of post.

The tentative time

required is six

months after

receiving the

revival approval.

19. Nursing Post has been abolished and as such there is no a ction

Supd.

(8,000-

13,500)

4. The time frame, recorded in Column-9 of Annexure-A to LA. No. 2394 of 2007, is ordered. Both the Interlocutory Applications stand disposed of.

5. Post the main matter ie. W.P. (PIL) No. 6311 of 2003 on 22nd November, 2007. Let a copy of this order be handed over to the learned Counsel, appearing for the/parties.

Personal appearance of Director, Central Institute of Psychiatry, Kanke, Ranchi is dispensed with.