

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2790/2002

Tuesday, this the 29th day of October, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Dr. N.N. Singh
s/o Late Shri S.N. Singh
R/O B-13, IARI Campus, New Delhi-12
(By Advocate: Shri Rajesh Tyagi)

...Applicant

Versus

1. Union of India, through its Secretary
M/o Agriculture, Krishi Bhawan
Dr. Rajendra Prasad Road,
New Delhi
2. Indian Council of Agricultural Research
through its Secretary,
Krishi Bhawan, Dr. Rajendra Prasad Road
New Delhi
3. Deputy Director (P)
Indian Council of Agricultural Research
Krishi Bhawan, Dr. Rajendra Prasad Road
New Delhi
4. Agricultural Scientists Recruitment Board
through its Chairman
Indian Council of Agricultural Research
Krishi Bhawan, Dr. Rajendra Prasad Road
New Delhi

..Respondents

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

The applicant was appointed as Project Director in the Directorate of Maize Research. The precise grievance of the applicant in the present application is that (a) he has a right for another term of five years, (b) the proper authority has not considered his application for renewal of his tenure for the post of Project Director and in these circumstances the respondents should be restrained from making fresh appointments in this regard and (c) the order is discriminatory, qua the applicant.

18 Ag

2. Some of the salient facts which give rise to the above-said contentions of the applicant are that the applicant earlier moved OA-2677/2002 praying for quashing the advertisement for the incumbent post and the subsequent proceedings, including the interview on the ground that till that date, no post was vacant and thus could not be advertised. That application had been withdrawn with liberty to raise the plea at subsequent stage. It was held that the application was pre-mature. Subsequently, on consideration of the matter, the respondent No.2 (Indian Council of Agricultural Research) has decided that they are reviewing the matter and the competent authority, after considering the pros and cons of the existing tenurial system, has decided that the Research Management Positions of Directors/Joint Directors/Project Directors should be held by a Scientist for a single tenure of five years only and if a Scientist holding a Research Management Position desires to continue in that position for a second tenure, he should compete along with other eligible aspirants for that position.

3. To state that some other persons have been given further tenures and, therefore, the order in question is discriminatory would not be correct. Every post has its own trapping and, therefore, if one person is given extension or another tenure to work does not imply that the applicant gets an automatic right or to plead discrimination. There is no equality between persons holding different posts. In this regard, therefore, the said contention, so much thought of, has to be stated to be rejected.

A handwritten signature in black ink, appearing to read "S Ag".

4. Reverting back to the other contentions of the applicant, as is patent from the record, the matter in question has been considered. So far as the appointments on tenurial basis is concerned, the relevant extract reads:-

"6. After completing all such formalities, the cases of scientists for renewal of tenure would be submitted to the Tenure Committee, constituted for the purpose, for consideration."

5. Perusal of it, in unambiguous terms, clearly shows that the applicant has no right for an another tenure of five years after completion of the first. In that view of the matter, the plea must fail for the added reason that Rule 5 of the Research Management Positions, which is appended by the applicant, further makes the position clear:-

"5. The posts in grades S-4, S-5 and S-6 shall ordinarily be filled by advertisement and selection, on a tenure of 5 years, subject to renewal by another term not exceeding 5 years. If a Scientist of the Council is selected to any of these posts, he will, after the expiry of the tenure, return to a suitable position under the Council which may be in any area or in any Institute depending on the Council's needs retaining the pay scale as personal to him/her. This tenurial system will not apply to those who were already confirmed in such posts before 1.5.1976, i.e. the date of introduction of the Rules."

6. Reading of the above-said Rule leaves no doubt that the applicant indeed has no right to claim that he is entitled to renewal of the term after expiry of five years' term. At best, he could be considered and the same ~~has been~~ can be done and the applicant can apply for consideration with others.

As Ag

(5)

(4)

7. The last submission in this regard was that the decision has not been taken by the competent authority. We have gone through the record and the impugned letter dated 16.10.2002 itself indicates that the same has been issued with the approval of the competent authority in terms of the directions of this Tribunal. We find no reason to doubt the said recording of the fact in the peculiar facts of the present case.

8. Resultantly, present OA must fail and is dismissed in limine.



(S.A.T. Rizvi)
Member (A)



(V.S. Aggarwal)
Chairman

/sunil/