



CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

O.A. No.060/00121/2020

Chandigarh, this the 06th February, 2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

Dr. N. Sathyanarayana S/o Sh. N. Hanumantha Reddy aged 55 years, working as Joint Director (Plant Pathology), O/O Directorate of Plant Protection and Quarantine and Storate, NH-IV, CGO Complex, Faridabad – 121001.

....Applicant

(BY: MR. ROHIT SETH, ADVOCATE)

Versus

1. Union of India, Ministry of Agriculture & Famers Welfare, Department of Agriculture & Cooperation, represented by its Secretary to Government of India, Department of Agriculture, Cooperation and Farmers Welfare, Krishi Bhawan, New Delhi – 110001.
2. Directorate of Plant Protection, Quarantine and Storage through its Plant Protection Advisor, NHIV, Faridabad, Haryana -121001.

(By: Mr. Sanjay Goyal, Advocate)

3. Union Public Service Commission through its Secretary, Dholpur House, Shahjahan Road, New Delhi.

(By: Mr. B.B. Sharma, Advocate)

4. Union of India through Secretary to Government of India, Ministry of Personnel, Public Grievances & Pensions, DOP&T, North Block, New Delhi – 110001.

(By: Mr. Sanjay Goyal, Advocate)

5. Dr. J.P. Singh S/o Sh. Ballam Singh, aged 53 years, working as Joint Director (Entomology) in the Directorate of Plant Protection, Quarantine & Storage, Department of Agriculture, Cooperation & Farmers Welfare, Ministry of Agriculture & Farmers, NH-IV CGO Complex, Faridabad-121001.

... Respondents

**O R D E R(Oral)****SANJEEV KAUSHIK, MEMBER (J):**

1. Applicant who is working as Joint Director (Plant Pathology) in the office of Directorate of Plant Protection and Quarantine and Storage, lays challenge to the proposal forwarded by the official respondents to the UPSC in the month of August/September/December, 2019 (Annexure A-10 colly) qua inclusion of name of respondent No. 5 for considering him for promotion against the post of Additional Plant Protection Advisor for vacancy year 2016-17 and 2017-18 under Note 3 in Column 12 thereof.

2. Heard.

3. Mr. Rohit Seth, learned counsel submitted that the applicant was initially appointed as Assistant Director (Plant Pathology) by way of direct recruitment on 08.03.1994. He was promoted to the post of Deputy Director (Plant Pathology) on 28.02.2003 and further promoted as Joint Director (Plant Pathology) vide order dated 29.10.2012 with retrospective effect from 03.10.2012 against panel year 2010-11. It is also submitted that private Respondent No. 5 who was initially appointed in Group 'C' post as Technical Officer III on 23.01.1990 was selected and appointed through Direct recruitment on the post of Senior Entomologist vide letter dated 15.06.2006 which is a group 'B' post and an isolated



post. It is argued that promotion of Respondent No. 5 to the post of Joint Director is contrary to the relevant rule formulation, as he has never been promoted to the post of Deputy Director which is one of the prescribed criteria for promotion to the post of Joint Director. The next promotion from the post of Joint Director is to the post of Additional Plant Protection Adviser for which the applicant is eligible but the respondents have recommended the name of private respondent for promotion, which is contrary to the relevant rule formulation. When applicant represented against this illegal action of the respondents, the respondents sought advice from the Department of Legal Affairs and Nodal Ministry of DOP&T who opined in favour of the applicant vide letter dated 13.06.2019 and Note dated 20.02.2019(Annexure A-5 colly) and advised to consider his case for promotion to the post of Additional Plant Protection Adviser. He contended that despite advice tendered in favour of the applicant by the department of legal Affairs and DOP&T, a proposal for promotion including the name of Respondent No. 5 for the vacancy year 2016-17 and 2017-18 has been sent to the UPSC which is illegal and by this illegal action of the respondents, the right of the applicant for promotion would be prejudiced.



4. Learned counsel, at this stage, made a statement that the applicant would be satisfied if a direction is issued to the department to act upon the advice given by the Department of Legal Affairs and DOP&T and go ahead with the process of promotion in accordance therewith.

5. Issue notice to the official respondents.

6. Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice on behalf of Respondents No. 1, 2 and 4. Mr. B.B. Sharma, Advocate, appears and accepts notice on behalf of Respondent No. 3.

7. Considering the fact that on the request of the authorities, the legal opinion has been given by the Department of Legal Affairs and DOP&T qua promotion to the post of Additional Plant Protection Adviser, I deem it appropriate to dispose of the O.A., in limine with a direction to the official respondents to consider the advice given by the concerned departments (Annexure A-5 colly) and re-consider the proposal in accordance therewith before forwarding the same to the UPSC. No costs.

(Sanjeev Kaushik)
Member (J)

Place: Chandigarh

Dated: 06.02.2020

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