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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2793/2001

New Delhi, this the 17th day of September, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri M.P. Singh, Member (A)

Dr. Room Singh
4-B, Scientists Apartment
IARI, New Delhi

.. Applicant

(Shri P.K. Sharma, Advocate)

versus

1. Agricultural Scientists
Recruitment Board
at Krishi Bhavan
Pusa, New Delhi
2. Indian Agricultural Research
Institute, Krishi Bhavan
New Delhi
3. Secretary
Ministry of Agriculture
Krishi Bhavan, New Delhi
4. Dr. S.N. Pandey
Project Coordinator
CISH, Lucknow
5. Director General
Indian Council of Agricultural Research
Krishi Bhavan
New Delhi

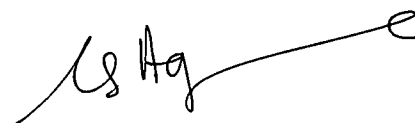
.. Respondents

(Shri Piyush Sharma, Advocate for official respondents
and Shri S.R.Dwivedi, Advocate Respondent No.4)

ORDER(oral)

Shri Justice V.S. Aggarwal, Chairman

The applicant Dr. Room Singh is a scientist. By virtue of present application, he seeks setting aside of the appointment of Respondent No.4 (Dr. S.N. Pandey) to the post of Head of the Division of Fruits & Horticultural Technology in the Indian Agricultural Research Institute, Krishi Bhavan. He further seeks direction that the applicant should be appointed to the said post with all consequential benefit.



2. The grievance of the applicant basically is that he is the senior most scientist in the department; he is more qualified than Respondent No.4 and in any case appointment of Respondent No.4 violates the guidelines issued by the Department under the Agricultural Scientific Service Rules of ICAR.

3. Needless to say the respondents have contested the application.

4. Taking up the last argument of the learned counsel for the applicant in the first instance, reliance has been placed on paragraphs 6 and 9 of the guidelines which are reproduced below, for the sake of facilitation.

6. The model qualifications for the Head will be similar to those prescribed for the post of Project Coordinator (see Chapter 3 on Revised qualifications).

9. The incumbent will not be permitted to join or apply for another equivalent position, within ICAR or outside, during the first four years of his tenure.

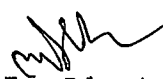
Though this plea was not part of the application, since it had been referred to during the course of the arguments we deem it proper to deal with the same. The guidelines provided that the incumbent will not be permitted to join or apply for another equivalent position within ICAR or outside during the first four years of his tenure. Respondent No.4 explains that when he applied for both the posts when he was at Bhubaneshwar and secondly he had applied for the post in question that has been offered to him which, he has since joined on his being selected. Once a person had applied for two posts


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simultaneously and at a time when he was holding an inferior post his preference for a higher post will not come to the rescue of the applicant.

5. As regards the other contention, indeed we are not dwelling into it any further. The post in question has been advertised and was to be filled by direct recruitment. Advertisement in this regard has been issued which offers direct recruitment to the post in question. All eligible candidates could apply in which seniority will not arise. Feeble attempts have been made that applicant only should have been selected. This Tribunal will not go into this aspect unless there are some mala fide or any other scope to interfere. It is for the expert body to interview the necessary candidates and pick the best of the lot. Once they have conducted the test/interview in accordance with the advertisement, there is precious little for this Tribunal to interfere or to set aside the appointment of Respondent No.4.

6 Keeping in view the aforesaid, the application being without merit fails and is accordingly dismissed. No costs.


(M.P. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

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