

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.625/2001

New Delhi this the 30th day of May, 2003

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri C.S.Chadha, Member (A)

1. Mr.Vijay Kumar
S/O Shri Shiya Ram
2. Mr.R.P.Bhatnagar,
S/O Mr.R.P.Bhatnagar
3. Mr.D.S.Sehrawat
S/O Mr.S.L.Sehrawat
4. Mr.T.P.Sharma,
S/O Mr.S.S.Sharma
5. Mr.A.K.Kanchan Bras
S/O late Mr.O.P.Kanchan Bras
6. Mr.R.S.Sharma
S/O Late Mr.L.R.Sharma
7. Mr.G.P.Singh
S/O late Mr.H.R.Singh
8. Mr.D.C.Tyagi
S/O Late Mr.R.L.Tyagi
9. Mrs.Sharma Rani
W/O Mr.Joginder Aggarwal
10. Mrs.E.Verghese
W/O Mr.Titu George
11. Mr.A.K.Shandilya
S/O Mr.D.N.Shandilya
12. Mr.T.R.Arora
S/O Mr.Asha Nand

(All working as Sr.Scientific
Assistant II in Ministry of
Agriculture, Department of
Agriculture and Cooperation
Directorate of Plant Protection
Quarantine and Stores
NH-4, Faridabad (Haryana)

..Applicants

(By Advocate Shri N.Swaminathan)

VERSUS

1. Union of India
(through its Secretary)
Ministry of Agriculture,
Department of Agriculture
and Cooperation, Krishi Bhawan,
New Delhi.

6

2. Plant Protection Adviser to the Govt. of India, Ministry of Agriculture
Department of Agriculture and Cooperation, Directorate of Plant Protection Quarantine and Storage
Shastri Bhawan, New Delhi.
3. Union Public Service Commission (through its Chairman)
Dholpur House, Shahjahan Road, New Delhi.
4. Department of Personnel and Training Ministry of Public Grievances and Pension (Through its Secretary, Govt. of India, North Block, New Delhi.

(By Advocate Shri D.S.Mahendru)

.. Respondents

O R D E R (ORAL)

(Hon'ble Shri C.S.Chadha, Member (A)

The applicants 12 in number who are working as Senior Scientific Assistants, Grade II in the Ministry of Agriculture have filed this OA challenging the issuance of advertisement dated 22-28 July, 2000 inviting applications for the post of Junior Scientific Officers. They have relied on the Fifth Central Pay Commission's recommendations, the relevant portion of that Para reads as under:-

"There are five posts of Junior Scientific Officer (Chemistry) and one post of Junior Scientific Officer (Bio-Chemistry) all in the pay scale of Rs. 2000-3500. Further 7 posts of Ass'tt. Scientific Officer (Chemistry) in the scale of Rs.1640-2900 have been separately recommended for upgradation to the scale of Rs.2000-3500). All the 13 posts should be merged, redesignated as Plant Protection Officer (Chemistry) and filled by promotion from among 44 Scientific Assistants. There will also be a dynamic ACP grade of Rs.2500-4000 for the posts of Plant Protection Officer (Chemistry)".

Their grievance is that the Government is dragging its

6

3

feet on the recommendations of the Pay Commission which were supposed to come into effect w.e.f. 1.1.1996. Till date 2003, these recommendations have not been given effect to and the Department has now gone ahead by issuing the impugned advertisement without taking steps to amend the Recruitment Rules (RRs).

2. Learned counsel for the respondents 1-2, Shri D.S. Mahendru stated that they have forwarded draft RRs to the Department of Personnel and Training as far back as on 27.3.2000 but the Department of Personnel and Training has not furnished their comments and therefore, the RRs could not be finalised. At the behest of the learned counsel, the Department of Personnel and Training has also been impleaded as a necessary party and they were also noticed but have not put in appearance or filed their reply, despite several opportunities having been granted to them.

3. In the above facts and circumstances of the case, we find that the interest of justice would be served if the Department of Personnel and Training and the Department of Agriculture coordinate and finalise the Rules within a specified period of time. Since the learned counsel for respondents 1-2 has pointed out that the Department of Agriculture has already initiated action but they are awaiting the comments of Department of Personnel and Training, they would not hesitate to finalise the Rules after the same are seen and approved by the Department of Personnel and Training. In terms of the ad interim order dated 15.3.2001 passed by this Tribunal any appointment made in pursuance of the said

6

46

advertisement were to be subject to the further orders to be passed in the OA. We are also informed that none has joined in pursuance of the selection already made on the basis of the said advertisement and therefore, the respondents are restrained from making any fresh selection in pursuance of this advertisement. We also direct the respondents to finalise the RRs, as expeditiously as possible, and in any case within a period of six months from the date of receipt of a copy of this order. Thereafter applicants should also be considered in accordance with the RRs so framed. No order as to costs.

C.S.Chadha

(C.S.Chadha)
Member (A)

Lakshmi Swaminathan

(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

sk