

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2831/1999
M.A. NO. 43/2000
M.A. NO. 44/2000
M.A. NO. 100/2000

New Delhi this the 24th day of January, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SMT. SHANTA SHAstry, MEMBER(A)

Dr. Mahendra Pal Yadav,
C/O Dr. N. P. Yadav,
E-1/9/43, Sector 15, Rohini,
New Delhi-110085.

...Applicant

(By Shri S. K. Gupta, Advocate)

-Versus-

1. Secretary,
Indian Council of Agricultural
Research, Krishi Bhawan,
New Delhi.

2. Union of India through
Joint Secretary,
Department of Agricultural
Research & Education (DARE),
Krishi Bhawan,
New Delhi.

3. Chairman,
Agricultural Scientists
Recruitment Board (ASRB),
Krishi Anusandhan Bhawan,
Pusa, New Delhi-110012.

...Respondents

(By Dr. S. P. Sharma, Advocate)

O R D E R (ORAL)

Smt. Shanta Shastry, AM.:

The post of Director, Indian Veterinary Research Institute (for short, IVRI) Izatnagar had been advertised to which the applicant had applied. The applicant was aggrieved that the results were not declared though the interview was held on 11.10.1999. He had represented for declaration of the results.

According to the applicant, he believed that he had been selected for the post. However, the results were not known. When the applicant approached this Tribunal for ad interim order to restrain the respondents from re-advertisement of the post, this Tribunal directed the respondents to declare the results of the interview and not to re-advertise in the meantime. A short notice was also issued to the respondents on interim relief. ~~The respondents have now fixed their counter.~~ In spite of this direction, the respondents issued the re-advertisement on 30.12.1999. Applicant had brought this fact to the notice of the Tribunal vide MA NO. 43/2000. While issuing notice to the respondents, it was clarified that selection if made in pursuance of the re-advertisement will be subject to further orders to be passed in the O.A. vide order dated 10.1.2000. Thereafter again vide order dated 18.1.2000 in MA No.100/2000, the respondents were directed to produce the file in regard to selections made in pursuance of the advertisement No.4/99 dated 3-9-7/1999. The matter was heard today.

2. In the counter, the respondents have informed that the re-advertisement which was issued on 30/31.12.1999, has been withdrawn as far as the post of Director, IVRI is concerned. It has been further stated that the applicant was no doubt selected by a high powered Board known as the Agricultural Scientists Recruitment Board (for short, ASRB) which

is a recommendatory body for recruitment to the various posts under the Indian Council of Agricultural Research (for short ICAR). The applicant was recommended by this Board. The learned counsel for the respondents, however, contends that even though the recommendations are made, it is for the appointing authority to accept the recommendation or otherwise. In the instant case, the decision was taken to re-advertise the post at the level of the Union Minister for Agriculture.

3. The learned counsel for the applicant has pointed out that the Selection Board had properly recommended the applicant's name for the post of Director, IVRI. There was, however, a letter from one Hon'ble Member of Parliament Smt. Kamala Sinha addressed to the Prime Minister about certain irregularities having been committed in the process of the selection. Smt. Kamala Sinha wrote that the Director is appointed through ASRB; the Board consists of three members representing Crop, Basic and Animal Sciences; the interview was conducted without permanent member from Animal Sciences; the Ministry of Finance had imposed a ban on all appointments vide their circular dated 5.8.1999; and in spite of these facts the interview was conducted on 11.10.1999. She also mentioned about the Acting Director of IVRI Dr. Nagendra Sharma and recommended that Dr. Sharma deserved to be absorbed as Director, IVRI, Izatnager. The learned counsel for the applicant expresses that

it was merely because of vested interests and due to the recommendation of the Hon'ble Member of Parliament to select Dr. Nagendra Sharma that the applicant's selection was not finalised.

4. The learned counsel for the respondents submits that it was not only the letter from the Hon'ble Member of Parliament Smt. Kamala Sinha addressed to the Prime Minister but there were other letters also from some other Members of Parliament and there was a complaint of irregularities in the selection process and, therefore, it was thought advisable, to re-advertise the post. At this stage, the learned counsel made available the relevant file relating to the recruitment to the post of Director, IVRI, Izatnager in compliance with the direction to do so issued by this Tribunal on 18.1.2000. We have perused the relevant notings in the file. We find that on a reference received from the Prime Minister's Office (P.M.O.) seeking comments on the letter of Smt. Kamla Sinha M.P., the ICAR had furnished para-wise comments vide their letter dated 3.11.1999 justifying the selection of the applicant by the ASRB. The relevant file containing the recommendations of the ASRB was also referred to Agriculture Minister/Prime Minister in his capacity as the President of the ICAR for approval as at that point of time Prime Minister was also holding the portfolio of Agriculture Minister. The file was returned vide unofficial reference dated 10.12.1999 by the P.M.O. with the

observation that this may be put up to the new Agriculture Minister. The file was thereafter submitted to the new Agriculture Minister with the following notings: "It, therefore, implies that P.M.O. was satisfied with the comments offered by the Department on the points raised by Smt. Sinha, M.P.. In view of the explained position approval of the Minister for Agriculture is sought to the appointment of Shri Mahendra Pal Yadav to the post of Director, IVRI." When the file went to Agriculture Minister it was noted on his behalf as follows: "Has seen it and desire that in light of P.M.O's letter dated 10.12.1999, the process of readvertising of the post should be carried out."

5. It is clear from the perusal of the file that the letter dated 10.12.1999 from the P.M.O. has not suggested to readvertise the post of Director IVRI nor have any adverse comments been made on the selection of the applicant. The direction of Minister for Agriculture also does not mention any irregularities in the selection. In the facts and circumstances of the case we hold that the orders of readvertisement of the post of Director IVRI by the Minister for Agriculture are not justifiable. We, therefore, direct the respondents to re-consider the appointment of the applicant to the post of Director, IVRI on the basis of the recommendations already made by the ASRB. This exercise may be carried out within

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a period of two months from the date of receipt of a copy of this order.

6. In the result, the O.A. is allowed.

7. In view of this, the M.A. Nos. 43, 44 and 100/2000 are also disposed of.

Ashok Agarwal
(Ashok Agarwal)
Chairman

Shanta Shastri
(Shanta Shastri)
Member (A)

/as/