

Central Administrative Tribunal
Principal Bench

O.A. 2837/99

New Delhi this the 27th day of July, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

I.S. Rajpurohit,
S/o Shri Vijay Singh Rajpurohit,
Supdt. (Audit and Accounts)/
Junior Accounts Officer,
IARI, Pusa Institute,
New Delhi-12. ... Applicant.

(Applicant in person)

Versus

1. Director General & Secretary,
Indian Council of Agril. Research,
(Ministry of Agriculture),
Krishi Bhawan,
New Delhi-110 001.
2. Joint Director (Admn.),
Indian Agril. Research Institute,
(Pusa Institute),
New Delhi-110 012. ... Respondents.

(By Advocate Ms. Geetanjali Goel)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant, who is working with the respondents, is aggrieved by the letter dated 28.6.1999 issued by the respondents rejecting his request for advance increments for passing Company Secretary Examination under FR 27.

2. Both the parties have been heard and I have also perused the documents on record.

3. One of the main grounds taken by the applicant impugning the rejection letter dated 28.6.1999 is that the same has not been issued after due consideration by the competent authority, that is, the Director of Indian

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Agriculture Research Institute (IARI). He has also submitted that this authority comes within the jurisdiction of Respondent 1, that is, the Director General & Secretary, ICAR, Ministry of Agriculture. It is also stated that Respondent 2 is directly under the Director, IARI, who has been impleaded as party to this O.A.

4. On the above submissions, the respondents were called upon by the Tribunal's order dated 18.7.2000 to bring on record the specific Rules/Regulations to show that the impugned order has been passed by the competent authority, i.e. the Chief Finance and Accounts Officer, IARI with approval of the Joint Director (Administration), as mentioned in the impugned order.


5. Today, when the case was taken up for final hearing, Ms. Geetanjali, learned counsel has frankly submitted that the respondents have not been able to show any specific delegation of powers to either the Joint Director (Administration) or to the Chief Finance and Accounts Officer, IARI to take a decision on the issue raised in this O.A. It is also submitted that in any case, the applicant had made his representation only to the Senior Administrative Officer and thereafter Respondent 1, but had not made any specific representation to the Director, IARI.

6. In view of the above facts and circumstances of the case, as it cannot be held that the impugned letter dated 28.6.1999 has been passed by the competent authority, with regard to the request of the applicant for grant of

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advance increments for passing Company Secretary Examination under FR 27, the order is accordingly quashed and set aside. In the facts and circumstances of the case, liberty is granted to the applicant to make a self contained representation and address it to the competent authority, that is, the Director, IARI who may thereafter pass appropriate orders in the matter, in accordance with the law and rules. No order as to costs.


(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'