

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.700/98

16

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 21st day of September, 2000

Dr. P.L.Premi
s/o late Shri Bhikharilal
Scientist (Agricultural Entomology)
National Bureau of Plant Genetic Resources
(Plant Quarantine Regional Station)
Rajendranagar
Hyderabad - 500 030. ... Applicant

(Applicant in person)

Vs.

1. The Secretary
Agricultural Scientists Recruitment Board(ASRB)
Krishi Anusandhan Bhavan
PUSA, New Delhi - 110 012.
2. Secretary
Department of Agriculture
Research Education
Government of India
Krishi Bhawan
New Delhi - 110 001.
3. Secretary
Indian Counsel of Agricultural Research (ICAR)
Krishi Bhavan
New Delhi - 110 001.
4. Officer In-charge
Plant Quarantine Regional Station
NBPAR (ICAR), Rajendranagar
Hyderabad - 500 030. .. Respondents

(None)

O R D E R (Oral)

By Shri Govindan S. Tampi, Member(A):

The applicant, in this case, impugns the Telegram received by him on 24.6.1995 advising him not to attend the interview scheduled for 3rd July, 1995 as he was not eligible to be considered for selection for which the interview had been called for.



2. The facts in short are as below:

The applicant is a Scientist holding Masters degree in Zoology and Ph. D. in Entomology along with Post Graduate Diploma in Business Management and Industrial Administration. He has been working as a Scientist for over eighteen years in various capacities both in his organisation and on deputation. He had responded to Advertisement No.1/95 dated 8.4.1995, calling applications from eligible persons for the post of Head, Entomology Division in the Indian Agricultural Research Institute, New Delhi wherein the qualifications, both essential and desirable for the post were indicated. As he thought he fulfilled the necessary qualifications, the applicant applied for the post and on 16.6.1995 he was advised to attend interview/screening test for the post of Head Entomology at Agricultural Scientists Recruitment Board on 3.7.1995. He received the notice on 20.6.1995 and started preparation for attending the interview. However, before he could come for the interview, he received on 25.6.1995 the impugned order indicating that he need not be present for the interview, as he was not found eligible for being called for the selection.

3. The applicant who personally argued the case, pleads that he was eligible for being selected to the post of Head of Entomology Department on account of his specialisation and expertise and therefore there was no reason for the recruiting

19

authority to have changed their mind at the last minute and directed him not to appear for the interview. In the said advertisement the following qualifications have been indicated as essential for consideration:-

"II. QUALIFICATIONS:

a) Essential

i) Doctoral degree in Entomology/
Zoology/Agriculture based on
Entomological Investigation of
Agriculture importance.

ii) Principal Scientist in the scale of
(Rs.4500-7300) or in an equivalent
position.

or

8 years experience as a Senior Scientist
(Rs.3700-5700) or in an equivalent
position.

or

An eminent scientist having proven
record of scientific contribution
working in a reputed
organisation/institute having at least
13 years experience in the relevant
subject.

iii) Evidence of contribution to
research/teaching/extension education as
supported by published work/innovations.

iv) Ability to plan, organise, guide and
conduct research on various problems of
pest control both in the field and under
storage conditions and acknowledge of
modern methods and techniques applicable
to various branches of agricultural
entomology and pest control."

4. Though he possessed the requisite academic qualifications and the experience for being considered for the post, in full measure, he was denied the opportunity for appearing in the interview on the basis of a finding by the respondents that it was on a mistake that he was invited for interview, as the

applicant did not actually possess the requisite qualification of having been in the scale of Rs.3700-5700 for 8 years. His claim is that he should have been considered against the alternative category of an eminent scientist having proven record of Scientific contribution having at least 13 years of experience in the relevant subject. Therefore, the fact that he did not fit in the category of a Senior Scientist in the pay scale of Rs.3700-5700 could not have been held against him, as he fell in the next alternative category. The respondents, by their arbitrary decision, had incorrectly and unjustifiably denied him the due consideration for selection for the post he applied.

5. In the reply, filed by the respondents on 8.11.1995, they have indicated that it was decided to call the applicant for the interview, as during the perusal of the application it was observed that he was in the grade of Rs.3700-5700 since 1.1.1986 and as such fulfilled the requirement. Only on subsequent scrutiny it turned out that he was in fact on Rs.2200-4000, and the process was on for the placement in the scale of Rs.3700-5700 with effect from 1.1.1986. It is only on realising the mistake that the applicant did not fulfil the requirement, the respondents despatched the telegram of 24/25-6-1995, advising the applicant not to come for the interview.

6. None was present for the respondents even on second call. This is a case of 1998. Therefore, we have decided to dispose of the same on the basis of

the available pleadings on record even in the absence of the counsel for the respondents in terms of Rule 16 of the CAT (Procedure) Rules, 1987.

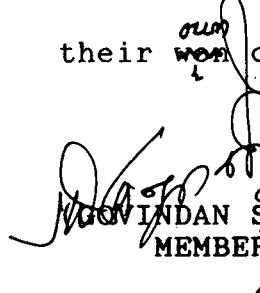
7. We have carefully considered the plea made by the applicant and perused the relevant records. Perusal of the advertisement prescribing the requisites for the impugned post is germane in this contest. The relevant advertisement at Para II details the academic qualifications, as well as, experience, expertise. In Para II(a) (i) the essential qualification prescribed for the said post is 'Doctoral degree in Entomology/Zoology/Agriculture based on Entomological Investigation of Agriculture importance which the applicant possess. In Para II(a)(ii), the requisite experience would be as a Principal Scientist in the scale of Rs.4500-7300 or in equivalent position or 8 years experience as a Senior Scientist in the grade of Rs.3700-5700 or in an equivalent position or as an eminent scientist having proven record of scientific contribution having at least 13 years of experience in the relevant subject. - (Emphasis supplied). Any one of the three would suffice. While perusing the applications, the respondents found that the applicant was on the pay scale of Rs.3700-5700 since 1.1.1986. Hence the notice for the interview. However, closer scrutiny showed that the applicant was in fact on the scale of Rs.2200-4000 and only a proposal was upgrading the scale to Rs.3700-5700 from 1.1.1986 was still on. Obviously therefore he had not completed eight years in the scale of Rs.3700-5700 and could not have been called. Accordingly the interview call was

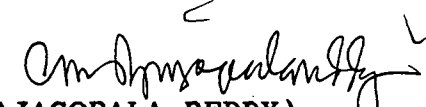
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cancelled and he was advised not to be present for the interview. This decision was taken only to rectify the mistake and it cannot be questioned, as it is also not the case of the applicant that he was in the scale of Rs.3700-5700. His present plea is that he should have been considered as falling in the alternative category of eminent scientist with proven record of scientific achievement with 13 years experience in the relevant field. However, there is nothing on record to show that the applicant had intimated the recruiting authority that he fell in the category of eminent scientist with 13 years of experience in the field with documents showing proof of his experience, expertise and therefore they could not have considered his case in that category and had proceeded on the basis of the facts placed before it. It would appear that the applicant is an eminent scientist and having proven record of scientific contribution for 13 years as required, but not having brought this out in the application before the recruiting authority at the relevant time, it only remains in the domain of conjecture or hypothesis which we are not inclined to consider. In fact, during the hearing in response to a specific query from the Bench, whether he had along with the application, attached evidence of his experience and expertise as an eminent scientist, he replied that he was procuring them to be shown at the interview. Obviously therefore he had not indicated this at the time of the application. With the result the recruiting authority considered his case as that of a Senior Scientist in the scale of Rs.3700-5700 and judging him ^{as} not fulfilling the requisite experience

decided not to consider his case. The decision taken by the respondents is totally unassailable. No case therefore has been made out for our interference.

8. In the result the application is devoid of any merit and is accordingly dismissed. In the circumstances of the case, the parties shall bear their ^{own} costs.


GOVINDAN S. TAMPI
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/