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Central Administrative Tribunal, Principal Bench

OA No.1702/97

New Delhi this the 25th day of August, 2000.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman(J)
Hon'ble Mr. Govindan S. Tampi, Member (Admnv)

Dr. S.M.G. Saran,
S/o Shri Kamleshwari Prasad,
R/o 78, Krishi Nikethen,
Block No.A-6, Paschim Vihar,
New Delhi.

...Applicant

(By Advocate Shri Rajeev Sharma)

-Versus-

1. Union of India through its
Secretary,
Ministry of Agriculture,
Krishi Bhawan, New Delhi.
2. The Director General,
ICAR, Krishi Bhavan,
New Delhi.
3. The Chairman,
Agriculture Scientist Recruitment
Board, Anusandhan Bhawan, PUSA,
Dr. K.S. Krishanan Marg,
New Delhi.

...Respondents

(By Advocate Shri V.K. Rao with Ms. Gitanjali Goel,
Advocate)

O R D E R (ORAL)

By Justice V. Rajagopala Reddy:

Heard the learned counsel for the applicant and
the respondents.

2. The applicant had joined the Indian Council of
Agricultural Research (ICAR) on 1.9.70 as Senior Computer.
He has been promoted to the post of the Technical Assistant
(Statistic) in the pre-revised scale of Rs.425-700 as on
1.10.75. The Agriculture Research Service (ARS) was formed
in 1975. For the purpose of induction into that service
three conditions were to be fulfilled, (i) the incumbent
should have been working as on 1.10.75, (ii) the incumbent
should have been drawing the scale of Rs.425-700 and (iii)

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(15)

should have minimum qualification of Master Degree. Though the requirement of Post ^{CAA}Graduation was necessary for induction, as a concession it was allowed that ^{CAA} Post Graduation ^{CAA}could be acquired within a period of five years from 1.10.75. The applicant acquired the Post Graduation degree within the said period of five years. He, therefore, became eligible for induction into the ARS from 18.10.79. It is the case of the applicant that the Board which was constituted for considering the candidates for induction viz. the Agriculture Scientist Recruitment Board (ASRB) was to screen the candidates for the purpose of induction and the persons who were not absorbed at the time of initial constitution of the service, would have to be considered again at a subsequent stage or stages. It is the grievance of the applicant that he was not inducted into the service by the Board, though his juniors, who acquired the eligibility later to him, had been inducted and it is also his grievance that certain ineligible persons have been inducted into the service. The applicant made representation and the respondents had replied by the proceedings dated 27.12.96 that his case was strongly recommended by the Head of the Division in which the applicant was working. To the subsequent representation it was further stated that the Director has also strongly recommended the case of the applicant.

3. The present OA is filed for a direction to the respondents to consider the case of the applicant for induction into the ARS.

4. The learned counsel for the respondents has taken a preliminary objection of limitation. It is vehemently contended that the OA not only suffers from

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laches but is hit by Section 21 of the Administrative Tribunals Act, 1985. As his case has been rejected in 1983 and again in 1986, he had no grievance about the orders. If he had any grievance he should have approached the Tribunal within the period of limitation, as contained in Section 21 of the Administrative Tribunals Act, 1985.

5. It is also contended that the Expert Body having rejected the case of the applicant more than once on the ground of unsuitability the applicant is not entitled for any relief, at this stage, at the hands of the Tribunal.

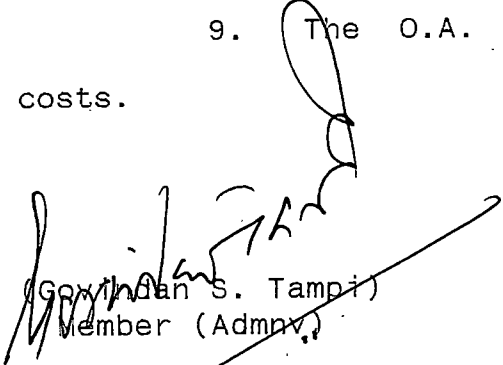
6. We have given careful consideration to the contentions. No doubt the case suffers from laches. Though the applicant's grievance arose in 1983 when his case was considered and he was found unsuitable and again in 1986 when his case was rejected by the Board, the applicant had not made any grievance against those orders. In order to rebut the contention as to limitation, the applicant now seeks to rely upon two letters dated 27.12.96 and 26.6.96 where the Head of the Division had strongly recommended his case. Hence he was entitled for consideration. We are also of the view that the cause of action in this case is not a one time cause of action but it is a continuous one as the applicant is entitled for consideration of his case, on more than once.

7. It is not in dispute that the applicant has fulfilled all the qualifications for induction into ARS. It is, however, stated by the learned counsel for the respondents Shri V.K. Rao that the ARS has been disbanded from 31.12.85. This fact, however, has not been mentioned in the counter-affidavit.




8. In the circumstances, we direct the respondents to consider the case of the applicant for induction into ARS if it is not disbanded already, within a period of three months from the date of receipt of a copy of this order. The respondents are directed to pass a speaking order.

9. The O.A. is accordingly disposed of. No costs.


(Govindan S. Tampi)
Member (Admin.)

'San.'


(V. Rajagopala Reddy)
Vice-Chairman (J)