

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 91/1997

New Delhi, this 14th day of February, 1997

Hon'ble Dr. Jose P. Verghese, Vice-chairman(J)
Hon'ble Shri S.P. Biswas, Member(A)

Shri Anil Kumar
s/o Shri M.S. Malik
A-18/Pocket 00, Avantika Sector-II
Rohini, Delhi-110 085 .. Applicant

(By Advocate Shri B.B. Raval)

versus

1. Director General
Indian Council of Agricultural Research
Krishi Bhavan, New Delhi
2. Chairman
Agricultural Scientists Recruitment Board
Krishi Anusandhan Bhavan
Pusa, New Delhi .. Respondents

(By Advocate Shri V.K. Rao)

ORDER(oral)

Hon'ble Dr. Jose P. Verghese

This OA was filed against Annexure A-1 Order, by which the services of the applicant are wrongly purported to have been reverted. The first part of the order does not indicate the intention of the respondents, or the purpose for which the impugned order has been passed, namely, to revert the applicant from the post of Assistant to that of UDC for certain valid reasons; we have been called upon to decide if it is a valid order or not. On the face of it, this order appears to be wrong. The text of the order is reproduced below:

"The services of Shri Anil Kumar, Assistant are hereby terminated under para 4 of the Memorandum No.6(5)/95-Estt.II dated 2.12.1996 with the approval of the competent authority with immediate effect.

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However, on his termination he will stand reverted to the post of UDC at the ICAR Headquarters held by him earlier with immediate effect."

2. After the OA was filed, the matter came up for hearing on interim relief and this court has passed status-quo order on 14.1.97. A notice was served and in reply to the notice, counter affidavit has been filed. The respondents have also filed an application to vacate the interim order and the application has come up today for hearing on interim relief.

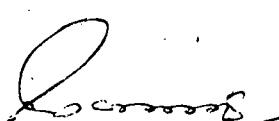
3. The contentions of the respondents are that this is not a single isolated order, and that the respondents after enquiry by an appropriate authority, came to the conclusion that there was mass-copying in the examination conducted, which was totally irregular, and individual notices could not be issued. This is one of such orders, in which they have no other alternative except to cancel the entire select list, based on the same examination, but the contents of the order show nothing of the intention of the respondents.

4. It is also submitted by the respondents that they have not given effect to the selection of the remaining candidates appearing in the select list annexed at page 22 of the application and all the three persons, in favour of whom appointment letters have been issued, are before us by way of three original applications. The present OA is one of them.

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5. The court made a suggestion to the respondents that this order cannot stand on its own, as it appears to be wrong on the face of it. The suggestion of the court was accepted by the respondents and they are willing to pass a fresh order.

6. In the premises, the order dated 10.1.97 is quashed and liberty is given to the respondents to pass a fresh order fairly indicating the real intention of the respondents on the face of the order. It is made clear that the liberty given to the respondents is only for the purpose that they may make such a modification as suggested on the face of the order. With this observation, the OA is disposed of. No order as to costs. With the disposal of this OA, MA 306/97 also stands disposed of.


(S.P. Biswas)
Member(A)
(Dr. Joseph P. Verghese)
Vice-Chairman(J)

/gtv/