

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A. No. 298 of 1994

New Delhi, this 4th day of August, 1999.

(13)

HON'BLE MR. JUSTICE D.N. BARUAH, VICE CHAIRMAN
HON'BLE MR. N. SAHU, MEMBER (A)

1. A.K. Bhardwaj
Assistant
Dte. of Agronomy
I.A.R.I.
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2. K. Vijaykumar
Senior Clerk
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3. Nathi Lal
Junior Clerk
Dte. of Agronomy
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New Delhi 110 012

...Applicants

(By Advocate: Shri K.B.S. Rajan)

versus

1. The Union of India, through
Secretary
Department of Agricultural
Research and Education
Ministry of Agricultural
Krishi Bhawan
New Delhi 110 011

2. The Director General
I.C.A.R.
Krishi Bhawan
New Delhi 110 011

3. The Director
I.A.R.I.
Pusa Institute
New Delhi 110 012

4. Kaliash Chand
S/o Late Shri Atma Ram
R/o 459, Krishi Kunj
I.A.R.I.
New Delhi.



5. Laxman Singh
S/o Shri Kaushal Singh
R/o B-2/371 Yamuna Vihar
Delhi.

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6. Ravi Kumar Sharma
S/o Late Shri B.M. Sharma
R/o 601, Krishi Kunj
(Near Inderpuri)
New Delhi-12. ... Respondents

(By Advocate: Shri Vijay Chaudhary for
official respondents and
Shri Ashish Kalia for
private respondents.)

ORDER (oral)

BARUAH, J (VC)

The applicants have challenged the decision of the departmental examination held during the period on 1989-92. Three applicants approached this Tribunal. Permission under provisions of Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987 has since been granted.

2. The facts are: the applicants 1-3 were working in Indian Agricultural Research Institute (IARI for short) as Assistant, Senior Clerk and Junior Clerk respectively. All, according to the applicants, had the requisite qualification for appearing in the departmental examination for the higher post viz. Superintendent, Assistant and Senior Clerk respectively. For the vacancies that arose during the period from 1989-92 a Limited Departmental Competitive Examination was held sometime in the year 1994. The vacancies for the year 1989 were five, for the year 1990, nine,

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for the year 1991, one and for the year 1992, three. Pursuant to the selections, five persons were selected for the year 1989 and eight persons were selected for the year 1990 and one person was selected for 1991 and three persons were selected for the year 1992. Accordingly, the appointments had already been made. The grievance of the applicants is that for the year 1989, out of the five persons selected, two of them were not having the requisite qualifications. These two persons are Smt. Santosh Alagh and Shri Ravi Kumar Sharma. The applicants state that the requisite experience for getting the promotion was three years as on 1.1.89, these two persons did not have. They were not eligible, as they did not have the requisite experience of three years in the feeder cadre as on 1.1.89. Being aggrieved by such decision of the respondents, the applicants submitted Annexure-D representation dated 21.12.93 which was not replied to. Hence the present application.

3. At the time of admission of this application, this Tribunal observed that any appointment would be subject to the result of this OA.

4. The respondents have filed written statements. After filing of this OA, three persons namely, Kaliash Chand, Laxman Singh and Ravi Kumar Sharma had also filed a petition as intervenors. This petition was allowed and



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those three persons were allowed to be intervened and they are shown as Respondents 4, 5 & 6. Respondents 4,5&6 have also filed counter controverting the claim of the applicants.

5. We have heard all. At the time of hearing today Shri K.B.S. Rajan, learned counsel appearing on behalf of the applicants informs this Tribunal that applicant No.1 has since retired and according to him the application had become infructuous as far as applicant No.1 is concerned and accordingly necessary order was passed. The 3rd applicant also did not pass the examination. Therefore, the application, so far as 3rd applicant is concerned, has also become infructuous. Therefore, now we are left with applicant No.2.

6. During the hearing Shri Vijay Choudhary, learned counsel appearing on behalf of the official respondents produced a statement showing details of the examination. In the said statement, in column (3) the names of persons eligible for particular year's vacancies has been shown, in column (4) persons selected on the basis of the examination has been shown and in column (5) year of eligibility of selected persons has been shown. As per this statement, in the year 1989, five persons viz. Shri C.S. Issar, Smt. Anupama Rai, Shri O.P. Kohli, Smt. Santosh Alagh and Shri Ravi Kumar Sharma were found eligible and accordingly they were appointed. A copy of this statement has also

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supplied to the learned counsel for the applicants. After looking to this, learned counsel for the applicants submits that Smt. Santosh Alagh and Shri R.K. Sharma were not eligible for getting the job for ~~the~~ 1989 as they did not have the requisite experience of three years as on 1.1.89. This was however disputed by Shri Vijay Choudhary, learned counsel appearing on behalf of the official respondents, as well as Shri Ashish Kalia, learned counsel appearing on behalf of the intervenors. According to the learned counsel for the respondents, Smt. Santosh Alagh and Shri Ravi Kumar Sharma had the requisite experience as on 1.1.89. Shri Vijay Choudhary also, after consulting the record, states that they had the requisite experience. Shri Choudhary further disputes the contention of the learned counsel for the applicants that the rule requires two years experience for Assistants and not three. The selection was made for Assistants having two years experience, even though the applicants had more than three years experience as on 1.1.89.

7. If that is so, this application has no merit and accordingly we dismiss the application.

8. Learned counsel for applicants further submits that if the examinations are taken at a time for several years, it creates complications. We feel for administrative reasons it may not be ~~possible~~ possible for the Department to hold examinations

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separately. However, the authorities should make endeavour to take separate examinations, if possible.

No order as to costs.

Narayan Sah

(N. SAHU)
MEMBER(A)

D.N. Baruah

(D.N. BARUAH)
VICE CHAIRMAN(J)

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