

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

O.S. No. 711/1994.

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New Delhi, dated this the 24th of August, 1994.

SHRI J.P. SHARMA, MEMBER (J)

SHRI P.T. THIRUVENGADAM, MEMBER (A)

Dr. Mahabai Ram,
S/o Shri Dukhloo Ram,
Aged about 53 years,
R/o 31-B, D.D.A. Flats (M.I.G.),
Rajouri Garden,
New Delhi.

... Applicant.

By Advocate: Shri B.B. Raval.

Versus

1) Union of India through
The Secretary,
Department of Agriculture
Research and Education; and
The Director General,
Indian Council of Agricultural Research,
Krishi Bhawan,
New Delhi.

2) Dr. A.L. Choudhary,
Chairman,
Agriculture Scientists Recruitment Board,
Pusa,
New Delhi-110012.

3) The Director,
Indian Agricultural Research Institute (IARI)
Pusa,
New Delhi-110012. ... Respondents.

By Advocate: Shri A.K. Sikri.

ORDER (Oral)

MR. J.P. SHARMA, MEMBER (J)

The grievance of the applicant is that ASRB published an advertisement No.1 for selection for the post of Deputy Director General (Crop Science). Interview for the said post was held according to statutory recruitment rules on 16th March 1994.

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2. The applicant filed this application in April 1994 making certain averments and stating number of grounds that the selection by the Board on 16.3.1994 stands vitiated. In view of these grounds taken by him after quashing that selection, fresh selection be held under the aegis of UPSC. Notice was issued to the respondents. They contested this application by filing the reply. In the reply the parouise contention made by the applicant has been denied. Preliminary objection that the applicant has not exhausted the departmental remedy of making representation. When the application was filed, by the order dated 8.4.1994, an interim order was passed, that if the result has been declared, that will be subject to the final order that may be passed on the prayer for interim relief after hearing the parties.

3. The case, on various sitting of this Bench, was listed for hearing for admission and interim relief. Since there was consensus between the parties counsel and that the interim relief will also involve consideration of certain points on merits, it was decided to dispose of the whole applications at the admission stage itself. This application has, therefore, come up for hearing finally.

4. We have heard the learned counsel for the applicant for an hour and the learned counsel for the respondents to a certain extent. At the conclusion, during the course of arguments, the learned counsel for the applicant put forth certain queries regarding the Memo given by the applicant before the Selection Board on 16th March 1994 stating that he may not be interviewed in the same andsimilar manner as other candidates called for the post. It appear that the Memo of 16th March 1994 was not disposed of by the Selection



Board then and there. However, the learned counsel for the respondent rightly pointed out that he cannot be sure at this stage what transpired before the Selection Board while considering the said Memo dated 16.3.1994. The results of the interview was declared and one person Dr. Siddique has been appointed on the post.

5. The applicant has also moved a M.A. regarding his not being called for interview for the post of Joint Director, in pursuance of the advertisement No.5/93. In fact this post of Joint Director is not subject in the original application No.711/94, which was only confined to the selection for the post of DDG (Crop).

6. We are not touching the merits of rival contentions in this case. But we dispose of this application No.711/94 as well as MA No.2180/94 on the express consent given by the counsels of the parties at the Bar. Both the counsels reached consensus and in view of the fact that there are concessions on each side, we accept the same in the form of direction in the original application. The consents given by the learned counsels of both the parties shall bind the parties also. It shall not be open to the party to disown the statement given by their counsel.

7. Another MA No.1853/94 has been filed. This MA also by virtue of the order, we are passing, has become infructuous. MA No.1741/94 also refers to the same relief, which have already appeared in OA No.711/94. This MA is also redundant and stands disposed of in the following order.

8. MA No.2180/94, though concerns the post of Joint Director (Research), which has been filed by Dr. Punjabi Singh. The learned counsel for the applicant Shri B.B. Raval with the active instructions from the applicant himself,

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before the Bench, stated that he is not pressing his claim for this post and is not challenging the appointment to the post of Dr. Punjabi Singh.

9. The original application and MA 2180/94 are, therefore, disposed of in the following direction:

- 1) The Board of Interview of ASRB presided by Dr. A.L. Choudhary, at the convenience of members of the Selection Board, shall call the applicant Dr. Mahabal Ram for interview for the post of DDG (Crop Science) on any working day as expeditiously as possible within 3 months. The result of the said post has already been declared and one Dr. Siddique has been appointed to the post. By the interim order dated 8.4.1994, it was directed that any appointment made would be subject to the outcome of the OA. Since the applicant has to be interviewed, the appointment of Dr. Siddique shall be governed finally by the result in the applicant's case by the Board. In case the applicant is graded higher than Dr. Siddique, then he shall be considered for appointment in preference to Dr. Siddique. Dr. Siddique in the meantime shall continue in the post on the same terms and conditions, till the result is declared and his continuance shall be subject to final selection by the Board as said above.
- 2) Though the issue of Joint Director is not in original application, but, since both the parties have consented that the applicant shall also be called for the interview for the post of Joint Director (Extension) for which as stated by the

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applicant before us that no selection has yet been made, and only in the event if no selection for the post has been made and no person has been given appointment in terms of that selection, respondents will also call the applicant alongwith the other eligible persons to consider for selection according to recruitment rules. The direction with regard to appointment of Joint Director (Extension) has been given only on the statement of the counsel for the applicant that in this selection no person was found suitable and no appointment was made.

The application is, therefore, disposed of accordingly. No order as to cost.

P. J. T.S

(P.T. THIRUVENGADAM)
MEMBER (A)

J. P. SHARRA
(MEMBER (J))

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