

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.9/94

New Delhi this the 7th day of February, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J)
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Dr. B.K. Khosla,
S/o Sh.Hukam Chand Khosla,
Principal Scientist and Head
of Department of Soil and Crop.
Management,
Central Soil Salinity Research Institute,
Karnal-132001. Petitioner

(By advocate Sh. S.C. Luthra with Sh. M.L. Sharma)

versus

1. Chairman,
Agricultural Scientists Recruitment Board,
Krishi Anusandhan Bhawan,
Pusa Gate, New Delhi-110012.
2. Director General,
I.C.A.R., Krishi Bhawan,
New Delhi-110001.
3. Dr. J.S. Samra,
Principal Scientist,
Central Soil & Water Conservation,
Sub-Station, Sector-35,
Madhya Marg, Chandigarh. Respondents

(Sh. S.C. Gupta, Sr.Counsel with Sh A.K. Sikri,
counsel for Respondents No.1 & 2.
Sh.M.N.Krishnamani, counsel for Respondent No.3.)

delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

ORDER(ORAL)

The controversy pertains to the
selection of a suitable candidate to the post of
Director Central Soil Salinity Research
Institute(CSSRI).

A counter-affidavit has been filed on
behalf of the respondents. The learned counsel for
the parties have been heard for quite some time. We
propose to dispose of this O.A. finally.

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A Selection Committee had to be constituted for selecting a suitable candidate. Sh. S.C. Gupta, Sr. Counsel for Respondents No.1 & 2 has brought to our notice a confidential note of the Secretary of the Agricultural Scientists Recruitment Board (ASRB) dated 23.11.1993. According to this communication, the coram for the meeting of the Selection Committee shall be 5. The petitioner and one Dr. K.K. Mehta amongst others were candidates to be interviewed by the Selection Committee. Admittedly, the petitioner and Dr. K.K. Mehta were interviewed by a Board comprising 4 Members only. This happened on 23.11.1993.

In the counter-affidavit filed, it is stated that on 23.11.1993 itself, but subsequent to the interview of the petitioner and Dr. K.K. Mehta, a 5th Member joined the Selection Committee. In fact, he was nominated by the Chairman. It is obvious that the meeting of the Selection Committee held on 23.11.1993, to interview the petitioner and Dr. K.K. Mehta was not duly constituted and, therefore, its proceedings have to be held as void.

The learned counsel for the respondents has made a valiant effort to persuade us to salvage the interview of the other candidates taken by a duly constituted Selection Committee by suggesting that we may direct that the petitioner and Dr. K.K. Mehta may be reinterviewed by a duly constituted Selection Committee. At first blush, this via media

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appears to be workable. However, upon deeper examination of the matter and upon a reading of the counter-affidavit filed on behalf of Respondents No.1 & 2, we feel that it will not be proper to act upon the suggestion made by the learned Sr.Counsel for the respondents.

In the counter-affidavit filed on behalf of the respondents, it is categorically asserted that on a comparison of the qualification etc. of the petitioner and the Respondent No.3 (Dr. J.S. Samra), Dr. Samra has an edge over the petitioner. The second averment made in the counter-affidavit is that Dr. B. Ramamoorthy, the 5th Member added to the Selection Committee on 23.11.1993, expressed a categorical opinion that no useful purpose will be served by his interviewing the petitioner.

We are aware of the fact that no allegation of any malafide has been made against any Member of the Selection Committee. The Members of the Selection Committee, it appears, are eminent persons. Nonetheless, fair play-in-action demands that the whole exercise should be done again. We, therefore, quash the proceedings of the Selection Committee already held. A fresh selection may be held by a duly constituted Selection Committee wherein all the candidates shall be interviewed. We have no doubt that the members of the Selection Committee shall act fairly and forget their past

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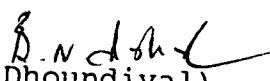
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recommendations and begin on a clean slate. We clarify that this order is confined to the stage of holding a fresh interview.

With these directions, this application is disposed of finally.

No costs.


(B.N. Dhoundiyal)

Member (A)


(S.K. Dhaon)

Vice-Chairman

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