

Central Administrative Tribunal,  
Principal Bench  
New Delhi

(B)

O.A. No.1146/2000

Hon'ble Mr.Kuldeep Singh, Member (J)  
Hon'ble Mr. M. P. Singh, Member (A))

New Delhi this the 19th day of September, 2001

Shri Bhanu Pratap Nagar,  
S/o Shri Anant Prasad,  
R/o House No.R/104, Sector-IV,  
Baba Kharag Singh Marg,  
Gole Market, New Delhi.

- Applicant

(None for the applicant)

Versus

1. Union of India,  
Ministry of Agriculture,  
Through its Secretary,  
Krishi Bhawan,  
New Delhi-110002.
2. The Secretary  
Department of Animal Husbandry & Dairying,  
Krishi Bhawan,  
New Delhi-110002.
3. The Union Public Service Commission,  
through its Secretary,  
Dholpur House,  
Shahjahan Road,  
New Delhi-110011.
4. The Indian Council of Agricultural Research  
through its Secretary, Ministry of Agriculture  
Krishi Bhawan,  
New Delhi-110001.
5. Shri Prasanna Kumar Panda,  
Superintendent,  
Random Sample Poultry  
Performance Testing Centre,  
Begumpur Khatola,  
Khandsa, Gurgaon,  
Haryana.
6. Shri S.B. Roy,  
Superintendent/Incharge, RSPPTC,  
AAREY MILK Colony,  
Mumbai-400065.
7. Dr. Iqbaluddin,  
Joint Commissioner (Poultry)  
Krishi Bhawan, New Delhi-1.

- respondents

(By Advocate: Shri R.N. Singh for Shri R.V. Singh)



ORDERMr. M.P. Singh, Member (A):

None is present for the applicant. None was present on earlier occasions i.e. 11.7.2001 and 9.8.2001. We, therefore, proceed to dispose of the present case under Section 15 of the CAT (Procedure) Rules, 1987.

2. By filing this OA, the applicant has sought the following reliefs:-

- (i) That any call letter/notice issued to Respondent No.5 for 'personal talk' for 6.7.2000 at 11.15 a.m. or at any other date/time as may be changed, be quashed and set aside;
- (ii) That the respondents Nos. 1 to 4 be directed to call the applicant for such interview or 'personal talk' and promote the applicant to the post of Assistant Commissioner (Poultry) from the date the applicant completed eight years of service or with such less service as may be arrived at by suitable exemption from the rigour of Recruitment Rules and to pay arrears of pay and allowances of higher post with interest at the rate of 18% per annum to the applicant;
- (iii) That the service of the applicant be directed to be regularised as Assistant Commissioner (P) and on such terms as may be considered fit and proper; and
- (iv) Such other and further relief be also granted including the awarding of costs of the case, as may be deemed fit and proper.

3. The facts in brief, as stated by the applicant, are that the applicant was appointed as Senior Technical Assistant (Poultry) (hereinafter called as 'STA (P)') w.e.f. 8.1.1987. It is stated by him that he was eligible for the post of Assistant Poultry Development Officer (hereinafter called as 'APDO') and could have been appointed as APDO w.e.f. 8.1.1990, but he was

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appointed as APDO w.e.f. 15.10.1990. Thus, there was a delay in granting him promotion as APDO from 8.1.1990 to 14.10.1990, which was unreasonable and unwarranted. Certain adverse remarks in his ACR for the year 1998-99 were also communicated to him on 9.6.1999. The applicant has submitted his representation against these remarks. On 28.2.1998, the respondents had initiated an action to fill up the post of Assistant Commissioner (Poultry) (hereinafter called as 'AC (P)') in the pay scale of Rs.3,000-4,500/-.. As per the Recruitment Rules, APDOs with eight years regular service in the grade were also eligible to be considered for the said post. According to the applicant, he was required to be considered for the post of AC (P) along with others because he had also completed eight years regular service as APDO. However, Respondent No.5, namely, Dr. Prasanna Kumar Panda was considered and was called for personal talk by UPSC on 6.7.2000 whereas the claim of the applicant for being considered for the said post was ignored. He has, therefore, filed this OA seeking the aforesated reliefs.

4. The respondents have contested the case by filing the counter reply and have stated that as per the Recruitment Rules for the post of AC (P), the mode of recruitment prescribed for the post is promotion/deputation, failing which by direct recruitment. APDOs in the feeder grade, who have completed eight years regular service are also to be considered along with others and in case the applicant is selected, the post shall be deemed to have been filled by promotion. The vacancy of AC (P) was advertised in

Employment News dated 28th Feb.- 6th March, 1998. The applicant along with other candidates including Dr. P.K. Panda applied for the post. The application of the applicant was considered alongwith others and the applicant was found to be possessing less than eight years service in the post of APDO as on the crucial date for determining the eligibility for the post of AC (P). The last date of receipt of the applications was 6.5.1998. It is stated by the respondents that the applicant has never worked as AC (P) as he did not complete eight years of service in the grade of APDO on the crucial date of eligibility i.e. 6.5.1998. He was not eligible for being considered for the post of AC (P) because he has completed his eight years of regular service in the grade of APDO only on 15.10.1998. The representation of the applicant against the adverse remarks contained in his ACR for the year 1998-99 has been considered in the Department. The competent authority, however, has not found any merit in his case and as such the remarks stand unchanged. On the basis of the aforesaid personal talk held by the UPSC on 6.7.2000, Dr. P.K. Panda, Respondent No.5, has been recommended to the post of AC (P) on deputation basis. In view of the aforesated submissions, the present OA is devoid of merit.

5. Heard the learned counsel for the respondents.

6. It is an admitted position that the applicant was appointed as APDO 15.10.1990. As per the Recruitment Rules for the post of AC (P), the departmental APDOs in

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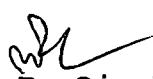
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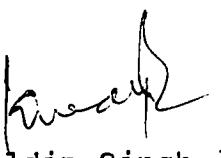
(P)

the feeder grade, who have completed eight years of regular service are eligible for the post of AC (P). Since the applicant did not complete eight years of regular service in the grade of APDO, on the crucial date of eligibility i.e. 6.5.1998, he was not found eligible and was, therefore, not considered for promotion/appointment to the post of AC (P) by the UPSC.

7. For the reasons stated above, we find that the applicant is not eligible to be considered for promotion/appointment to the post of AC (P), and therefore, could not be called for personal talk by the UPSC. The selection for the post of AC (P) had already been finalised by the UPSC and one Dr. D.K. Panda was recommended by the UPSC for appointment to the post of AC (P) on deputation basis.

8. In view of the preceding paragraphs, we find the present OA devoid of merit and the same is accordingly dismissed. No costs.

  
( M.P. Singh )  
Member(A)

  
( Kuldip Singh )  
Member(J)

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