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Central Administrative Tribunal
Principal Bench

O.A. No. 2400 of 2000

New Delhi, dated this the 4th March, 2002.

HON'BLE MR. JUSTICE ASHOK AGARWAL, Chairman
HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Inderjit Singh,
S/o Shri Jagan Nath,
R/o 1157/3, Rajiv Nagar,
Gurgaon (Haryana) working T-5,
Tech. Officer under Respondent. ... Applicant

(By Advocate: Shri T.C. Agarwal)

Versus

1. Union of India
through
The Secretary,
Indian Council of Agricultural Research,
Krishi Bhawan,
New Delhi.-1
2. The Director/Secretary,
Agricultural Scientists Recruitment Board,
Krishi Anusandhan Bhavan,
Pusa,
New Delhi-12 ... Respondents.

(By Advocate: Shri Chava Badri Nath Babu)

ORDER (Oral)

S.R. ADIGE, VC (A)

Applicant impugns Advertisement (Annexure. A-1) for filling up the post of Librarian (T-7) on direct recruitment basis through an OBC candidate, and prays for a direction to respondents to grant him the pay of the post of librarian against which he claims to be working since 2.6.2000.

2. Pleadings reveal that the post of Librarian fell vacant on 1.5.96 owing to the retirement of the incumbent Shri S. Moitra. As applicant was seniormost Librarian in technical category and there was no other person in technical category III Grade T-7 in ICAR, he was given current

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charge of the post to look after the responsibilities and supervise the work at ICAR headquarters, until the time a regular Officer Incharge was in position vide ICAR's Memo dated 2.6.2000. Subsequently the charge of ICAR Library was given to Dr. Arun Verma, ADG (ANP) vide Office Order dated 18.7.2000 (Annexure R-1).

3. Shri T.C. Agarwal's contention is that the vacancy for the post of Librarian is to be filled up in accordance with Respondent's circular dated 3.2.2000 (Annexure A-2), in para 3 of which it has been stated that till such time as the instructions contained ^{Therein} ~~are~~ are implemented, no posts/grade under Category III of technical service should be filled up by direct recruitment until further instructions from the Council. Shri Agarwal contends that further instructions have not been issued by the Council and under the circumstances this post cannot be filled up by the process of direct recruitment. That apart he also contends that this is a single vacancy and, therefore, it cannot be reserved for OBC candidate as has been mentioned in the impugned advertisement (Annexure A-1).

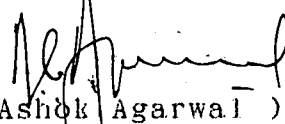
4. On the other hand respondents in their reply contend that applicant is not even eligible to be considered for promotion to the post of Librarian as he is in the grade of T-5. It is also contended that the post of Librarian is one of the 14 existing post of T-7 grade, and hence it is not correct to


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aver that the post of Librarian is a single post to which either reservation of SC/ST or OBC is not applicable.

5. In this connection Shri Agarwal has invited our attention to the contents of applicant's rejoinder in which it has been contended that be since he has been promoted to T-6, he is therefore eligible for promotion to the post of Librarian which is in T-7 grade .

6. We dispose of this O.A. with a direction to Respondents to examine applicant's claim for appointment to the post of Librarian (T-7 Grade) in the light of averments made in the O.A. by means of a detailed, speaking and reasoned order in accordance with rules and instructions within two months from the date of receipt of a copy of this order under intimation to applicant. If pursuant to such examination, respondents conclude that applicant is not eligible for appointment as Librarian they shall record detailed ~~and~~ reasons for doing so. No costs.


(Ashok Agarwal)
Chairman


(S.R. Adige)
Vice Chairman (A)

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