

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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O.A. 1112 of 1989

Dated New Delhi, this the 4th day of August, 1994

Hon'ble Mr Justice D. L. Mehta, Vice Chairman (J)

Hon'ble Mr B. K. Singh, Member (A)

Dr Jagdish Prasad
Assistant Commissioner (HYVP)
Ministry of Agriculture
Department of Agriculture & Coopn.
Krishi Bhawan
NEW DELHI.

... Applicant

By Advocate: Shri S. S. Tewari

VERSUS

Union of India through

1. The Secretary
Ministry of Agriculture
Department of Agri. & Coopn.
Krishi Bhawan
NEW DELHI

2. The Secretary
Indian Council of Agricultural
Research, Krishi Bhawan
NEW DELHI

... Respondents

By Advocate: None.

O R D E R
(Oral)

Shri D. L. Mehta, VC (J)

Respondent No.2 has already been served.

Respondent No.1 was issued notice by the Registry.

However, A/D has not been received. There is a

regular system of drawing an inference if the notice

is sent by Registry on proper address, it ^{will} be deemed

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to have been served. In the instant case, the Ministry of Agriculture is located in the Krishi Bhawan and the notice has been sent at the proper address and the inference ^{is} has been drawn that the Respondent No.2 has been served.

2. The applicant filed this OA and submitted that he was offered appointment and he conveyed the acceptance of the same vide letter dated 5.10.88 (Annexure A4). He also submitted that the difficulty arose when the pre-revised scale of Rs.1100-1600 was revised to two scales viz. 3000-5000 and Rs.3700-5700 and the applicant requested Respondent No.2 to clarify the pay and scale to which he would be entitled on joining the post.

3. The Respondent furnished reply to the applicant on 21.4.89 stating that:

"Since the orders regarding revision of pay scales of the ARS Scientists recruited on or after 1st January, 1986 have not yet been issued and a Committee has been constituted to look into the matter, it is not possible to indicate the specific pay in the Council in his case vis-a-vis the pay being drawn by him under his parent Department."

(B)

Subsequently the applicant filed this OA in this Tribunal and the Tribunal by order dated 26.5.89 was pleased to direct the respondents not to cancel/ withdraw the offer of appointment issued to the applicant vide letter dated 18.8.88.

4. The applicant prayed in the OA that the respondents be directed to state clearly, precisely and specifically the rate and scale of the post of Scientist Grade S-2 in the Agricultural Research Service to which the applicant has duly been selected and recommended by the duly constituted Agricultural Scientists Recruitment Board. In the first instance before withdrawing/cancelling the offer of appointment. Ordinarily this decision should have been taken at the time of appointment or while issuing the appointment letter. However, the respondents because of technical difficulties, informed the applicant that the revision of pay scales of the ARS Scientists recruited on or after 1.1.86 had not yet been issued and a Committee had been constituted to look into the matter; and it is not possible to indicate the specific pay in the Council in his case vis-a-vis the pay being drawn by him under his parent

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department.


5. This is very surprising that during the pendency of this stay order, respondents issued letter dated 13.3.91 (Annexure A-6) cancelling the appointment order dated 18.8.88. Subsequently they have also issued office memoranda dated 18.6.91 (Annexure A-7) and dated 17.10.91 (Annexure A-8).

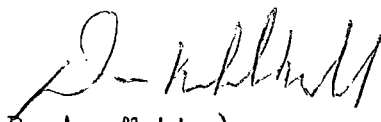
6. All the aforesaid orders of 13.3.91, 18.6.91 and 17.10.91 (Annexures A-6, A-7 & A-8) are void because no order can be passed by the respondents during the pendency of / stay order, and as such these three orders are hereby quashed. So far as the prayer of the applicant is concerned, he was justified that he should be given information as to which pay scale he was actually entitled to in the post of Scientist S-2 in I.C.A.R. The applicant has already accepted the offer of appointment vide his letter dated 5.10.88 (Annexure A-4). Respondents are directed to treat the offer of appointment as valid. The applicant should be informed about the grade and the pay scale of the post to which he would be entitled under the existing rules at the time of appointment. The respondents

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will be at liberty to take into consideration any
subsequent event ^{which} occurred and the applicant will
also be at liberty to claim any right which may
accrue on account of unknown circumstances.

7. With these directions, the DA stands
disposed of. No costs.


(B. K. Singh)
Member (A)


(D. L. Mehta)
Vice Chairman (J)

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