

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.688/88

Date of decision: 8.9.1993.

SHRI HARISHWAR GOVINDRAO KAMBLE

...PETITIONER

VERSUS

UNION OF INDIA THROUGH THE
SECRETARY, MINISTRY OF
AGRICULTURE, KRISHI BHAWAN,
NEW DELHI & OTHERS

...RESPONDENTS

CORAM:- THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)
THE HON'BLE MR. B.S. HEGDE, MEMBER (J)

FOR THE PETITIONER

NONE.

FOR THE RESPONDENTS

SHRI A.K. SIKRI, COUNSEL.

JUDGEMENT(ORAL)
(HON'BLE MR. I.K. RASGOTRA)

Neither the petitioner nor his counsel was present yesterday nor anyone put up appearance today. Since this is an old matter we proceed to dispose it of on merits with the assistance of the learned counsel for the respondents Shri A.K. Sikri.

2. The petitioner is aggrieved by the action of the respondents to the effect that they did not hold the selection for promotion to the grade of Scientist S-3 in accordance with paragraph-3.2 of the Manual of Administrative Instructions issued by the Indian Council of Agricultural Research (ICAR). According the instructions contained in the said paragraph the reserved vacancy is to be filled up by first considering the candidates from the reserved category only. If no such candidate is available the vacancy is required to be



re-advertised and opened to selection from the general category candidates. In the matter before us, the petitioner belongs to scheduled caste (SC). He was called for interview before the Selection Board alongwith the others including general category candidates. His grievance is that the said selection was not held in accordance with the rules and, therefore, he could not make the grade. Since the petitioner was not selected, the Selection Board considered the other candidates and recommended one Dr. V.V. Singh, respondent No.4 for appointment as Scientist S-3. When this case came up for admission before the Tribunal on 22.4.1988 an interim stay was granted, pending further orders on this application. The respondents, however, were not precluded from selecting and appointing S.C. candidates.

3. The respondents in their counter-affidavit have explained that the petitioner was considered for selection by the Selection Committee as the first candidate, but, since he was not found suitable for the post in question, the Selection Committee extended the selection to all the other candidates. Accordingly, Dr. V.V. Singh was recommended for promotion. Although the procedure followed by the respondents is not strictly in line with the provisions made in paragraph-3.2 of the Manual of Administrative Instructions, the learned counsel for the respondents Shri A.K. Sikri, stated at the Bar that the respondents proceeded in accordance with the practice that was being followed till then. The impugned action of the respondents in selecting Dr. V.V. Singh for S-3 was approved by the competent authority viz. the concerned Minister for Agriculture, who is the



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President of the ICAR. The learned counsel for the respondents further submitted that the petition has now become infructuous, as in view of the interim order granted by the Tribunal Dr. V.V. Singh was never appointed to the post of Scientist S-3 in accordance with the recommendations made in the impugned selection held in April, 1988. In this context the learned counsel placed before us a copy of the letter No. 17(S-3)2/88-Per.II dated 27.8.1991, written by the I.C.A.R. to the Secretary, Agricultural Scientists Recruitment Board. The said letter reads as under:-

"....The Agricultural Scientists Rectt. Board had recommended the candidature of Dr. V.V. Singh for appointment to the post of scientist S-3 (Farm Machinery & Power) at Central Institute of Agricultural Engg., Bhopal vide letter under reference at 1 above. The post was reserved for S/C candidate. Shri H.G. Kamble, scientist S-2 of I.A.R.I., who was one of the candidates interviewed for the post in question filed a case in the CAT against the recommendation made by the Board. The CAT had granted stay in favour of Sh.Kamble. As such, the recommendations made by the Board had to be kept in abeyance for want of final decision of the CAT. The case is still pending in the CAT for final disposal.

In the meantime Dr. V.V. Singh has been promoted to grade S-3 of the A.R.S. w.e.f. 1.7.1985 under the provisions of Rule 19 of the ARS Rules vide O.O. No.5-17/85-AU(6) dated 11.1.1989. Hence, the selection of Dr. Singh to grade S-3 post is now meaningless. Dr. V.V. Singh's application folder is returned herewith.

Yours faithfully,
sd/-
(SODHI SINGH)
UNDER SECRETARY(P)"

4. It is obvious from the above that Dr. V.V. Singh was never appointed to the post of Scientist S-3 in accordance with the recommendation made by the Selection Committee in which the petitioner was considered as the

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first candidate. We are not concerned with the promotion of Dr. V.V. Singh under the promotion quota in accordance with the relevant rules.

5. In view of the above facts and circumstances of the case, the petition has become infructuous. The respondents, however, are directed to hold the selection for the vacancy reserved for the SC candidate, for which the selection was held in April, 1988, in accordance with the provisions made in paragraph-3.2 of the Manual of Administrative Instructions with the zone of consideration being restricted to S.C. candidates only, as available in April, 1988 and take further action in pursuance of the recommendation made by the Selection Committee. This should be done within 3 months from the date of communication of this order.

6. The O.A. is accordingly disposed of, with the above directions. No costs.

B.S. Hegde
(B.S. HEGDE)
MEMBER(J)

San.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)