



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 1358/2020

This the 23rd day of September, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Dr. S.K. Tyagi
Aged about 50 years
Principal Scientist &
Project Coordinator (Acting)
ICAR-Central Institute of Post-Harvesting
Engineering & Technology
P.O. Pau, Ludhiana-141004.

...Applicant

(By Advocate:Mr. Pradeep Kumar Arya)

VERSUS

1. Agricultural Scientist Recruitment Board
Krishi Anusandhan Bhawan-I
PUSA, New Delhi-110012
Through its Chairman/Secretary
2. Indian Council of Agricultural Research,
Krishi Bhawan,
Dr. Rajendra Prasad Road,
New Delhi-110001
Through its Director General
3. Dr. K.K. Singh, Member,
Agricultural Scientist Recruitment Board
Krishi Anusandhan Bhawan-I
PUSA, New Delhi-110012.

...Respondents

(By Advocate: Mr. Praveen Swaroop)

ORDER (Oral)**Hon'ble Mr. Justice L. Narasimha Reddy**

The Indian Council of Agricultural Research (ICAR) issued a notification proposing to select and appoint candidates for the post of Director, ICAR at its Unit at Ludhia. The applicant is working as Principal Scientist in the same organization and in the same unit and he is otherwise eligible to apply.

2. One of the conditions in the notification is that the No Objection Certificate (NOC) from the employer must reach the office within 15 days from the cut off date i.e. 26.09.2019. The applicant states that he presented his application within time and the NOC was also issued before 11.10.2019. He contends that having issued NOC, his employer denied vigilance clearance, and after prolonged correspondence the same was issued on 19.11.2019. He contends that once the application was submitted within time and the NOC was forwarded before the expiry of the cut off date, there was absolutely no justification for the respondents in not accepting his candidature. It is stated that while the other candidates were issued letters for interview, which is scheduled to be held on 30.09.2020, he is denied the same. He filed this OA with a prayer to direct the respondents to permit him to take part in the selection process at every stage.



3. We heard Mr. Pradeep Kumar Arya, learned counsel for the applicant and Mr. Praveen Swaroop, learned counsel for the respondents, at the stage of admission.

4. The basic facts are not in dispute. The cut off date is stipulated as 26.09.2019. Though the candidates can forward the application straightway, the NOC from the employer must reach the ICAR within 15 days from the cut off date which works out to 11.10.2019.

5. In the case of the applicant, the competent authority has no doubt issued NOC on 04.10.2019 itself. However, through a separate letter, vigilance clearance was denied to him. The applicant addressed letters, one after other, taking exception to the denial of the vigilance clearance. Ultimately, it was only on 19.11.2019, that the concerned authority issued him vigilance clearance, that too for the limited purpose of enabling him to submit his application form.

6. In this scenario, what emerges is that the application of the applicant herein was not in the complete shape as on 11.10.2019. The vigilance clearance, that too for the limited purpose was issued only on 19.11.2019. Therefore, it cannot be treated as complete one, or the one submitted within the stipulated time. Obviously, for that reason the respondents did not issue call letter to him, for interview.

7. We do not find any legal and factual infirmity in the entire process. The OA is accordingly dismissed. There shall be no order as to costs.



(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/cc/jyoti/ankit/sd/RKS