

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

O.A. No. 61/57/2021

This the 18th day of January, 2021

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)**

Dr. Rajan Sharma; aged 35 years, S/o Sh. Brahm Dev Sharma R/o Shakti Nagar, Kishtwar Tehsil and District Kishtwar.

.....Applicant

(Advocate: Mr. Aniruddh Sharma/Mr. Nishant Shukla)

Versus

1. Union Territory of Jammu and Kashmir through Commissioner-cum-Secretary to Government Agriculture Production Department Jammu and Kashmir Government Civil Secretariat, Jammu 180001.
2. Divisional Level Committee (Constituted vide Government Order No. 378 – Agri. Of 2013 dated 28th November 2013) through its Member Secretary Deputy Director (Central) Office of Director Agriculture Talab Tillo Jammu 180002.
3. Director Agriculture Talab Tillo, Jammu Convener of Divisional Level Committee (Constituted vide Government order No. 378 –

Agri. Of 2013 dated 28th November 2013) Talab Tillo, Jammu 180002.

4. Director Command Area Development Member of Divisional Level Committee (Constituted vide Government order No. 378 – Agri. Of 2013 dated 28th November 2013), Talab Tillo Jammu 180002.
5. Joint Director (Inputs) Agriculture Department Member of Divisional Level Committee (Constituted vide Government order No. 378 – Agri. Of 2013 dated 28th November 2013), Talab Tillo, Jammu, 180002.
6. Deputy Director (Trainings) Agriculture Department Member of Divisional Level Committee (Constituted vide Government order No. 378 – Agri. Of 2013 dated 28th November 2013) Talab Tillo, Jammu 180002.

.....Respondents

(Advocate: Mr. Sudesh Magotra, Id. Deputy Advocate General)

O R D E R (ORAL)

Delivered by Hon'ble Mr. Anand Mathur, Member (A): -

(I) In the instant case, the applicant has put-forth the following points:-

“(a) That the applicant is a Ph.D Degree holder in the field of Agriculture as after he passed Post Graduation in Agriculture, he did his Ph.D. Degree from Dr. B. R. Ambedkar University, Agra. Applicant had acquired Ph.D. Degree in the year 2006 after acquiring the Graduation in

the year 2000 and Post Graduation in the year 2003.

- (b) That the State of Jammu and Kashmir in pursuance to the Cabinet Decision issued a Government Order No:20-Agri. of 2007 dated 6th February, 2007 thereby according sanction to the engagement of Agriculture Graduates unemployed as on 2006 under the Rehbar-i- Ziraat Scheme on a monthly stipend of Rs.1500.00. The scheme was implemented w.e.f. April 2007 and all the unemployed agriculture graduates were permitted to join with the Chief Agriculture Officers of the concerned districts with a further direction to execute agreements to the effect that they are not performing any government service either on contract basis or on adhoc basis.
- (c) That applicant in terms of the aforesaid government order dated 6th February, 2007 got himself registered with the Chief Agriculture Officer, Doda, inasmuch as at the relevant point of time District Kishtwar had not been created and completed all the formalities as envisaged by the aforesaid government order.
- (d) That subsequently Director, Agriculture Jammu vide Agriculture Order No:34/E of 2007 dated 24th March, 2007 engaged all the registered unemployed agriculture graduates as Rehbar-i-Ziraats on a monthly stipend of Rs.1500.00.

- (e) That on 3rd April, 2007 Chief Agriculture Officer, Doda vide his Order No: CAO/D/Estt/unemployment/50-60 dated 3rd April, 2007 posted the engaged Rehbar-i-Ziraats at different places and applicant was posted at Saffron Development Farm, Berwar, Kishtwar. The Chief Agriculture Officer, Doda vide his order dated 5th April, 2007 directed the applicant to report to Saffron Development Officer, Kishtwar for further duties.
- (f) That in the year 2013, Directorate of Agriculture published a merit list of the R.E.Z and in the said list applicant was not shown as a Ph.D, applicant as such submitted representation to the Director of Agriculture through proper channel.
- (g) That on 16th of February 2014, a merit list was published in the State Times newspaper and applicant was reflected at its correct place by taking into account his qualification of Ph.D. The applicant as such was satisfied that the defect in computing his merit has been rectified and as such did not agitate the matter any further.
- (h) That on 29/09/2018 again a tentative seniority list of regularized Agriculture Extension Assistants was issued and unfortunately in the said list also applicant was placed at serial No. 865 and again such placement at the aforesaid serial number was because of respondents not taking into account Ph.D qualification of the applicant.

- (i) That applicant being aggrieved of the tentative seniority list submitted a detailed representation to Director of Agriculture Jammu on 04-10-2018 and the same was forwarded by the Chief Agriculture Officer Kishtwar to Director on 05-10-2018.
- (j) That without taking into account the Ph.D qualification of the petitioner/applicant and without considering the objections filed by the applicant to the tentative seniority list, the same was finalized on 28-01-2019.
- (k) That no reason whatsoever was assigned to the applicant for not taking into account his Ph.D qualification while fixing his seniority/merit and after the applicant submitted representation to Advisor to Lt. Governor Union Territory of Jammu. and Kashmir, a reply was submitted by the Director to the Government that since the mark sheet of the Ph.D of the applicant is not available as such he has not been given the weightage for the same.

(II) Heard learned counsels for the applicants and the respondents. It appears that the applicant has been denied the benefit of his Ph.D degree because he has not submitted the mark-sheet for Ph.D.

(III) Learned counsel for the applicant vehemently argues that no mark-sheet is given along with the Ph.D degree hence it is not possible to submit any mark-sheet.

(IV) We find that the issue can be set to rest if the respondents accept this fact that mark-sheet is not given while awarding the Ph.D degree. Since this is the limited issue involved in this case, we direct the respondents to reconsider the representation dated 04.10.2018 submitted by the applicant addressed to Director of Agriculture, Jammu and dispose of the same by passing a reasoned and speaking order in accordance with rules within a period of two months from the date of receipt of a certified copy of this order.

(V) The O.A. is accordingly disposed of at the admission stage. No order as to costs.

(VI) It is made clear that we have not expressed any opinion on the merits of the case.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

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