

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

O.A. No.1050/1990.

May 29, 1990.

I.C.A.R. Post-Graduate Technical
Staff Forum & Another

...

Applicants.

Vs.

Indian Council of Agricultural
Research & Ors.

...

Respondents.

CORAM:

Hon'ble Mr. Justice Amitav Banerji, Chairman.

Hon'ble Mr. B.C. Mathur, Vice-Chairman (A).

For the applicants Shri B.K.Pal, counsel.

(Orders of the Bench delivered by Hon'ble
Mr. Justice Amitav Banerji, Chairman)

We have heard Shri B.K.Pal, learned counsel
in support of the Original Application (OA) filed under
Section 19 of the Administrative Tribunals Act, 1985
(hereinafter referred to as 'the Act'). The applicants
are aggrieved by an advertisement dated 14-20 October, 1989
published in the Employment News (Annexure P-I to the O.A)
pertaining to a notice regarding Agricultural Research
Service Examination-1990. This is more in the nature of
an advertisement for holding a competitive Examination
from 29th May, 1990. The applicants have prayed for
staying and quashing the impugned Notification dated
14-20 October, 1989, referred to above and for quashing
the Agricultural Research Service Rules (ARS Rules) with
regard to future maintenance of service and fixation of
30% quota in favour of the applicants. There is prayer

for interim order also praying for grant of ex parte stay of impugned Notification dated 14-20 October, 1989 as published in the Employment News and also to grant stay of A.R.S. Rules.

Learned counsel referred to D.O. No.158/DDG(CS)90 dated 1st March, 1990 (Annexure P-4) written by Dr. R.S. Paroda, Deputy Director General (Crop Science) & Member Secretary, ICAR, New Delhi to Dr. S.P. Singh, General Secretary, ICAR Post Graduate Technical Staff Forum in regard to latter's request for induction of qualified technical staff into scientific cadre. Dr. Paroda forwarded the request to Director (Personnel), I.C.A.R. Another paper referred to us is letter dated 19.4.1990 (Annexure P-6). In this letter Shri S.P. Singh, General Secretary of the Forum have requested the Chairman, A.S.R.B. for postponement of the ARS Examination May, 1990. The question of induction of qualified technical staff into scientific cadre is a policy matter. It is well settled that a policy matter is not to be interfered with lightly by a judicial forum. In the case of BOOP CHAND ADLAKHA AND OTHERS ETC. ETC. Vs. DELHI DEVELOPMENT AUTHORITY AND OTHERS ETC. (A.T.R. 1989 (1) S.C. 437) a Division Bench of the Supreme Court had sounded a note of caution in respect of policy matters. Their Lordships have said:

"These are essentially matters of policy. Unless the provision is shown to be arbitrary, capricious, or to bring about grossly unfair results, judicial policy should be one of judicial-restraint...."


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The advertisement (Annexure P-I) is a notice for holding a competitive Examination for recruitment of scientists to the Agricultural Research Service. This is a competitive Examination open to all those who are eligible and fulfil the requisite conditions. This advertisement purports to be in accordance with the Rules framed by the I.C.A.R.

A perusal of the reliefs sought in this O.A. shows that the applicants want 30% quota to be fixed for those who are already employed and working as qualified technical staff for induction into scientific cadre. This means a change of Rules which will depend on policy decision by the I.C.A.R.

Further, we are not impressed that this advertisement (Annexure P-1) is an "order" within the meaning of Section 19 of the Act. Consequently, we are not satisfied that this is a fit case to be admitted for hearing. The O.A. is accordingly rejected.

Copy of this order may be given to the learned counsel for the applicants.


(B.C. Mathur) 29.5.90
Vice-Chairman (A)
29.5.1990.


(Amitav Banerji)
Chairman
29.5.1990.