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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 1421/1990

Date of decision 22-3-95

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Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Dr. M.L. Saini,
s/o Shri Paras Ram Saini,
R/o 1079, Type-VI, NH IV,
FARIDABAD-121001 (Haryana)

.. Applicant

(By Advocate Shri G.D. Gupta)

Vs.

1. Union of India,
Through Secretary to Govt. of India,
Ministry of Agriculture,
Department of Agriculture & Cooperation,
Krishi Bhavan, New Delhi-110001.

2. Union Public Service Commission,
through its Chairman,
Dhloour House, Shahjahan Road,
New Delhi-110011

3. Dr. V. Raghunathan,
Director,
Central Insecticides Laboratory,
Directorate of Plant Protection,
Quarantine and Storage, N.H.IV Faridabad

.. Respondents

(By Advocate Shri N.S. Mehta, Senior
Counsel for the respondent No.1)

(By Advocate Mrs B. Rana, counsel for the
respondent No.3)

(None for the respondent No.2)

JUDGMENT

E Hon'ble Smt. Lakshmi Swaminathan, Member (J) 7

This application has been filed under Section
19 of the Administrative Tribunals Act, 1985, challeng-
ing the selection and appointment of respondent No. 3
as Director, Central Insecticide Laboratory on the

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ground that his appointment is illegal, arbitrary, mala fide and violative of Articles 14 and 16 of the Constitution.

2. The brief facts of the case are that in response to UPSC's advertisement No. 42 dated 15.10.1988, both the applicant and respondent No.3 had applied for the post of Director, Central Insecticides Laboratory in the Ministry of Agriculture. One of the essential qualifications required for the post was Doctorate Degree in Entomology or Nematology or plant pathology or Master's Degree in Chemical Engineering from a recognized University or equivalent etc. or a recognised medical qualifications, Post Graduate qualification in Pharmacology from a recognised university and 12 years practical experience in a supervisory capacity of plant protection work including adequate experience of research, or in the development and analysis of pesticides/pesticides residues. Out of the 22 candidate who applied for the post, UPSC had short-listed 12 candidates, out of which both the applicant and respondent No. 3 were called for interview held on 11th July, 1989. The applicant contends that respondent No. 3 was not eligible to be considered for the post of Director, Central Insecticides Laboratory inasmuch as he did not satisfy the requirement of eligibility of 12 years practical experience in a supervisory capacity of plant protection work as required

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under the essential qualifications. He has enclosed a bio-data of respondent No. 3 (Annexure A-6) and states that his experience as Deputy Director at Central Plant Protection Training Institute (CPPTI) in plant pathology from January 1977 to October 1983 cannot be considered as experience in a supervisory capacity of plant protection work or research. This has been denied by respondent No. 3 in his reply, wherein he states that not only was he supervising the overall training activities of the Division concerned, he was also incharge of the 10 months Post Graduate Diploma course, 3 months APP course and a number of short duration courses organised at the Institute. In addition, respondent No. 3 has stated that he was also looking after the other programmes of plant protection in other states. As Head of the Division of plant pathology, he had been supervising the technical and administrative work of the Division. The respondent No. 3 has also given a reply to the allegation of the applicant with regard to his research experience.

3. The second contention of the applicant is that through the recruitment rules were initially made in 1982, the same were amended in July, 1987. According to him, the delay in the amendment of the rules whereby the required experience of 14 years had been reduced to 12 years as referred to above, was done so as to benefit respondent No. 3. Both respondent No. 1 and 2 have filed their replies in which they have stated that the

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contentions of the applicant is based on wrong presumptions. The process of amendment to the recruitment rules for the post of Director, Central Insecticides Laboratory had been taken up from July 1983 and had been subjected to number of suggestions and counter-suggestions between the department and UPSC which had naturally taken some time. The experience requirement of 14 years was reduced by the UPSC when the matter was referred to them, which they have stated was necessitated so as to do away with an inherent disparity in spelling out the experience requirement for the post in question as compared with other posts in the same grade of Rs. 4500-5700 existing elsewhere in the Government of India services.

4. The third contention of the applicant is that as against the requirement of six experts in the Interview Committee, only two persons were there in the selection No.3 of Respondent and so the selection is illegal. The respondent No. 2, UPSC, in their reply have categorically denied that six technical experts sit in a single case of interview. According to respondent No. 2, the selection committee invariably consists of two technical experts, the other member of the Board being one Member or Chairman of the UPSC presiding and one representative of the Ministry/Department, who, however, does not participate in the process of selection.

5. We have heard the learned counsel for both the parties, perused the records and the relevant case law.

J.S.

6. We agree with the submissions of Shri N.S. Mehta, Learned Senior Counsel for the respondents that it is not the function of this Tribunal to scrutinise the relative merits of the candidate, which has been decided-- /of the interview by the duly constituted selection committee, viz. the UPSC in this case (see Dalpat Abasaheb Solunke v. B.S. Mahajan (AIR 1990 SC 434) and Sardara Singh v. State of Punjab (AIR 1991 SC 2248) AND J. Ranga Swamy v. Government of Andhra Pradesh (AIR 1990 SC 535). Even otherwise a perusal of the bio-data of respondent No. 3, filed by the applicant, shows that he had the requisite qualifications and the assertions of the applicant to the contrary are irrelevant and baseless. The applicant's further assertions that the respondent No. 3 had been selected in 3 selections when a particular expert was present without naming him is vague and nothing turns on this. /we find
Similarly, /there is no nexus whatsoever between the promulgation of the amendment to the recruitment rules and the timing of ^{the} advertisement for the post of Director, Central Insecticides Laboratory and subsequent selection of respondent No. 3, as sought to be made out by the applicant, because as explained by the respondents the proposed amendment had been taken up as early as 1983 and was subject /which takes time to examination by the concerned authorities. The plea of the applicant that the delay in the amendment had been caused in order to benefit respondent No. 3 is farfetched and hence rejected.

7. The applicant has not referred to any rules

or instructions for his contention that there should be six technical experts in the selection committee or that there was no expert in the discipline relating to the respondents in the selection committee. This argument cannot be accepted for the reasons namely, that it is not supported by any rule or instructions. Besides, the respondent No. 2 in his reply has stated that normally there are only two technical experts and one Member or Chairman of the UPSC presiding and one representative of the Ministry/department in the Selection Board. We, therefore, find no substance in the argument that the Selection Board has not been properly constituted in this case and, therefore, this argument also fails.

8. The learned counsel for the applicant sought to distinguish the facts in the case of Dalpat Abasahab Solunke v. B.S. Mahajan (Supra) and Sardara Singh v. State of Punjab (Supra). He states that he is not challenging his non-selection on merits but that the person selected, namely respondent No. 3 does not have the necessary qualifications as prescribed in the essential qualifications advertised for the post. We are unable to see how this will help the applicant in any way. The UPSC had found the applicant and respondent No. 3 qualified to be called for interview and in so far as the selection is concerned, this has been done by a duly constituted Selection Board, which has assessed the inter-se merit of the candidates. Having regard to the decisions of the Supreme Court in Dalpat Abasahab Solunke v. B.S. Mahajan (Supra)

19

and J. Ranga Swamy v. Government of Andhra Pradesh

(supra) cases, it is not the function of this Tribunal to consider and assess the relative merits of the candidates. As already mentioned above, both the applicant and respondent No.3 had been found to possess the essential qualifications. In the circumstances, we find that there is no good ground warranting any interference in the selection made by the U.P.S.C.

9. The OA is accordingly dismissed. There will be no order as to costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member (J)

S.R. Adiga
(S.R. Adiga)

Member (A)

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