

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH.

O.A. No.1029 of 1992.

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NEW DELHI, THIS THE 21st DAY OF JULY, 1997.

HON'BLE MR. JUSTICE K.M.AGARWAL, CHAIRMAN

HON'BLE MR. N.SAHU, MEMBER (A).

1. Technical Officers Association
of the Ministry of Agriculture
Through its President:
Shri Y.P.Yadav,
S/o Shri D.P. Yadav,
R/o Qr. No.190, Sector 3,
R.K.Puram, New Delhi.
2. C.Shanmugam
S/o Shri Chinna Paiyan,
R/o C-4-E/203, Janakpuri,
New Delhi-110058.
3. Narain Dutt
S/o ShriRam Mehar,
R/o Qr. No.1588, Type-II,
Lodhi Colony, New Delhi-110003.
4. D.S.Misra,
S/o Shri B.,S.Mishra,
R/o D-54, Vikaspuri,
New Delhi.
5. Gore Lal,
S/o ShriMulayam Singh,
R/o D-444, Lajpat Nagar,
Shahibabad, Ghaziabad
6. R.S.Chhonkar
S/o Shri (Late)Makar Ram
R/o RZ-21, Madanpuri,
West Sagarpur, New Delhi-110046.
7. Ganesh Singh
S/o Late Shri Haribans Singh,
R/o House No.214, Gali No.6,
Shahid Bhagat Singh Colony,
Karand Nagar, Delhi-110094.

....Applicants.

(BY ADVOCATE SHRI B.B.RAVAL)

Versus

1. Union of India
Through the Secretary,
Ministry of Agriculture,
Krishi Bhavan, New Delhi.
2. Joint Secretary (Seeds)
Department of Agriculture and
Cooperation, Ministry of Agriculture,
Government of India, Krishi Bhavan,
New Delhi.

....Respondents.

Jm (BY ADVOCATE SHRI P.H.RAMCHANDANI)

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JUSTICE K.M. AGARWAL:

By this application under Section 19 of the Administrative Tribunals Act, 1985, the applicants have, inter alia, made a prayer for directing the respondents to consider and promote the member officers of the first applicant-Association to the posts held by the officers from National Seeds Corporation or from the State Farms Corporation of India. Other reliefs claimed are consequential in nature.

2. Long and short of the facts material for the decision of this application may be summed up by stating that an Association of Technical Hands in the various divisions of the Ministry of Agriculture, Government of India, known as the "Technical Officers Association" has with some of its members filed this application in a representative capacity with a view to find some additional promotional posts for its members. The objective is sought to be achieved by restraining the respondents from bringing officers on deputation from the National Seeds Corporation, or from the State Farms Corporation of India, as was done in connection with the execution of projects, NSP Phase-I and NSP Phase-II.

3. The application is resisted. According to the respondents, the National Seeds Corporation is made a nodal agency pursuant to an agreement between the Government of India, National Seeds Corporation, some of the State Governments and the concerned State Seeds Corporations for implementation of projects aided by the World Bank. As a nodal agency, the National Seeds Corporation has set up a Project Management and Monitoring Cell for the purpose of proper execution of projects like NSP Phase-I and NSP Phase-II. A wing of the Cell has been housed in Shastri

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Bhavan, along with Department of Agriculture & Cooperation for the purpose of facilitating coordination between Seeds Wing of the Department of Agriculture and Cooperation and the Project Management and Monitoring Cell established by the National Seeds Corporation. The staff officers working in the Project Management and Monitoring Cell are borne on the effective strength of the National Seeds Corporation and their salaries and other expenses are met from the resources of the Corporation. It has been stated that no officer of the Corporation is deployed against any sanctioned post in the Department of Agriculture and Cooperation (Seeds Wing). As the National Seeds Corporation is a Public Sector Undertaking of the Government of India, it has to carry out the government policies and the government has also powers to take policy decision. Accordingly it was decided by the Government of India to draw trained and experienced staff from National Seeds Corporation etc. for the Project Management Unit on policy considerations for implementation of NSP-III, which has expired by now. It was, therefore, urged that the application has no substance and ~~deserves~~ to be dismissed.

4. The learned counsel for the applicants argued that there are three known sources of recruitment, (i) by direct recruitment, (ii) by promotion, and (iii) by transfer of service. He also referred to the recruitment rules of the various categories of Member Officers of the first applicant-Association to support his contention. It was argued that when eligible persons were available in the Department of Agriculture itself to fill up posts under Project Management and Monitoring Cell, housed in Shastri Bhavan, there was no logic for importing persons or officers on deputation from the National Seeds Corporation or from the State Farms Corporation of India.

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5. We find no substance in the contention. Merely because the Project Management and Monitoring Cell is housed in Shastri Bhavan, or that the policy decision to draw employees from the National Seeds Corporation or the State Farms Corporation has been taken, the applicants do not get any right to claim promotion against such posts under the Project Management and Monitoring Cell set up by the National Seeds Corporation. As contended by the respondents, the salaries and other expenses of the office staff of the Project Management and Monitoring Cell are borne by the National Seeds Corporation and not by the Government of India or the Department of Agriculture and Cooperation. Further the posts under the Project Management and Monitoring Cell do not exist under the recruitment rules pertaining to the various categories of the officers in the Agriculture Department. They cannot, therefore, complain that they have a right to be considered and promoted to the posts under the Project Cell in place of the current practice of calling officers on deputation from National Seeds Corporation or from the State Farms Corporation.

6. For the foregoing reasons, we find no substance in this application. Accordingly it is hereby dismissed but without any order as to costs.

K.M.

(K.M. AGARWAL)
Chairman

N. Sahu
(N. SAHU)
Member (A)