

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 1312 of 1996

THIS THE 16TH DAY OF SEPTEMBER 1997

HON.MR.JUSTICE B.C.SAKSENA,V.C.

HON.MR.S.DAS GUPTA, MEMBER(A)

Virendra Kumar Jain, son of late
K.D. Jain, atpresent Professor in
Chemical Engineering in National
Sugar Institute, Kanpur.

.. .. Applicant

(By Advocate Sri R.G. Padia)

Versus

1. Union of India
Through the Secretary, Ministry of
Food Department of Food
2. ~~National~~ National Sugar Institute
Government of India, Ministry of Food
Kanpur through its Controller
Incharge through its Controller
Incharge, Director.
3. Union Public Service Commission
New Delhi, through Secretary

.. .. Respondents

(By Advocate Shri N.B. Singh)

O R D E R(Oral)

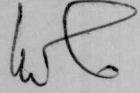
JUSTICE B.C.SAKSENA,V.C.


We have heard the learned counsel for the applicant. Through this OA the applicant has prayed for a direction to be issued to the respondents to convene the D.P.C for the purposes of Appointment/promotion of a person ~~for~~ on the post of Director, National Sugar Institute Kanpur from amongst the eligible candidates including the applicant in accordance with the existing statutory rules. From the pleadings on record it appears that the ~~vacancy in the~~ aforesaid post of Director fell vacant on 1.10.95.

2. From the counter affidavit of the respondents 1&2 it appears that the proposal for holding the D.P.C was submitted on 8.8.95 well in advance of the retirement of the then Director Professor Ram Kumar. The applicant has filed copy of the Recruitment Rules. An office Memorandum issued

by the Ministry of Personnel and Training came up for consideration before the Hon'ble Supreme Court in a decision reported in '1997 All India Reporter Supreme Court Weekly Cases pg 1838 Union of India and others Vs. N.R. Banerjee and Ors. The said decision was against the order passed by the ~~Director~~ ^{Tribunal directing} holding the D.P.C. In the facts of the present case the relief prayed for by the applicant deserves to be granted. We, accordingly finally dispose of the OA at the admission stage itself and direct the respondent no.3 to convene the DPC for the purpose of Appointment/promotion for the post of Director, National Sugar Institute Kanpur and consider the candidature of the eligible candidates within a period of two months from the date of receipt of copy of this order. Since on behalf of respondents 1 and 2 it has been indicated that the proposal for having the DPC has already been completed as back as on 8.8.95 ^{we are not} ~~cannot~~ ^{issue} any direction ^{to the} ~~through the~~ said respondents but in case there has been any lapse on the part of opp. party no. 1 & 2 they are also directed to complete all the formalities at their end so that respondent no.3 may be able to carry out the direction given by us.

3. The OA stands disposed of finally.


MEMBER(A)


VICE CHAIRMAN

Dated: 16th September, 1997

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