

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 30th day of October, 2000

Original Application No. 1325 of 1992

CURAM :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiuddin, J.M.

Prem Lal Son of Sri Jorawar

Resident of 121, Jatavpura,

Bareilly.

(Sri R.C. Srivastava, Advocate)

..... Applicant

Versus

1. The Indian Veterinary Research Institute,

Izatnagar, Bareilly

Through its Director.

2. Indian Council of Agricultural Research,

Krishi Bhavan, New Delhi through

its Secretary.

3. Assistant Administrative Officer,

(Establishment), I.V.R.I.

Izatnagar, Bareilly.

(Sri Rakesh Tewari, Advocate)

..... Respondents

O R D E R (O\_r\_s\_1)

By Hon'ble Mr. S. Dayal, A.M.

This application is being filed to set aside the orders dated 13-11-1991, 7-1-1992 and 3-9-1992 and direct the respondents to treat the appointment of the petitioners in category T-II-3 instead of T-I-3 with effect from the date of appointment with all consequential benefits.

2. The applicant has claimed that in 1978 an advertisement was issued by I.V.R.I. for direct recruitment of T-II/3 requiring 3/2 years diploma/Bachelor Degree in the field of draftmanship (Civil) and 3 years experience for Diploma Holders in Draftmanship(Civil). The applicant had obtained two years certificate in Draftmanship(Civ) issued by the Govt. of India Ministry of Labour in July, 1974. He claims to have experience from 25-9-1974 to 25-11-1974 as Draftsman(Civil) and further from 25-9-1975 to 25-11-1975, 2-5-1976 to 29-9-1997 and 30-9-1977 to 3-12-1978 and thus the applicant had more than three years' experience. The applicant claims to have been issued an interview letter dated 3-11-1978 for the post of T-II/3 category. He was issued appointment letter vide letter dated 22-11-1978 for the post of T-I-3 category. He claims that he was appointed on the post of T-I/3 category while he had applied for T-II/3 category and the advertisement was also issued for the post of T-II/3 category. It has been stated by the applicant that one Sri Sheo Bali and Sri Rajiv Gupta who were similarly circumstanced were offered appointment to T-II/3.

3. We have heard Sri R.C. Srivastava, counsel for the applicant and Sri Rakesh Tewari, counsel for the respondents.

4. We have seen the impugned order dated 13-11-1991. It has been mentioned in the Memo. that the representation of the applicant dated 14-8-1991 and 27-9-1991 requesting for allowing to join the post T-II/3 at I.V.R.I. Izatnagar was not acceded to because the applicant did not possess 3 years' experience on the date of his appointment in the institute which was an essential

qualification for recruitment to the post of T-II/3 category. The Memo. dated 11-8-1992 is in reply to the applicant's representation dated 24-12-1991 seeking retrospective appointment as T-II/3 Draftsman(Civil).  
The Memo. dated 3-9-1992 <sup>is</sup> with regard to his application dated 14-8-1992 and the applicant has been informed that he has already been given a reply dated 7-8-1992.

5. In regard to the essential qualification of experience, the respondents have stated that his experience as Tracer does not fulfil the requirements of essential qualification/experience of three years after having obtained diploma. The applicant himself has filed Annexure-13 by amendment which is a Memo. dated 19-12-1989 of Executive Officer(Administrative Officer) I.V.R.I. Izatnagar in which it has clearly been mentioned that the applicant on the date of interview was having two years' trade certificate, not diploma and, therefore, the applicant was offered T-I/3 as he belongs to the Scheduled Caste by relaxing qualification.

b. With regard to the discrimination alleged by the applicant, it has been mentioned by the respondents that Sri Sheo Bali was fulfilling alternative qualification at the time of his initial appointment and, therefore, his request for change of category from P-I/3 was acceded to. As regards the case of Sri Rajiv Gupta, the respondents have stated that Sri Rajiv Gupta had obtained diploma in one year's course as there was no two years' diploma for Refrigerator and Air Conditioning Course available at the relevant time.

7. We, therefore, find that the applicant cannot be considered to be fulfilling all the required qualifications for induction to Category II/3 and dismiss the OA as lacking in merit. We also find that the applicant having worked in Category I/3 from 1978 onwards chose to make representation only in 1991 when he was offered Category T-II/3 by way of promotion. Thus, the claim of the applicant is highly barred by limitation.

8. There shall be no order as to costs.

*Rangwala*

Member (J)

*Kh*

Member (A)

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