

Open Court

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

original Application No. 1133 of 2000  
this the 20th day of November 2001.

HON'BLE MR. S. DAYAL, MEMBER (A)  
HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Raja Singh, S/o late Sri Shiv Nath Singh, resident of 79-A,  
Harjinder Nagar-II, Kanpur Nagar-7.

Applicant.

By Advocate : S/sri V.B. Tewari & R.P. Singh.

Versus.

1. Union of India through Director General, Indian Agricultural Research Council, Krishi Bhawan, New Delhi.
2. Administrative Officer, Indian Institute of Pulses Research (Indian Council of Agricultural Research) Kanpur Nagar.
3. Director, Indian Institute of Pulses Research (Indian Council of Agricultural Research), Kanpur Nagar.
4. Indian Agricultural Research Council, Krishi Bhawan, New Delhi through its Secretary.

Respondents.

By Advocate : Sri N.P. Singh.

O R D E R (ORAL)

BY HON'BLE MR. S. DAYAL, MEMBER (A)

This application has been filed for setting aside the order dated 29.9.2000 passed by the respondent no.2. A direction is sought to the respondents not to interfere in the peaceful functioning of the applicant in the Institute on the post of Security Supervisor.

2. The case of the applicant is that he was selected on the post of Security Supervisor in Indian Institute of Pulses Research ( in short S.S. & Institute respectively).

Before joining in the Institute, he was working on the post

of Guard Commander at HAL. He was offered appointment in the Institute vide memorandum dated 15.6.99 and on his accepting the terms & conditions, he was appointed on the post of S.S. by office order dated 26.9.99. However, by the impugned order dated 29.9.2000 the services of the applicant were terminated in which it has been mentioned that the post of S.S. did not exist in the Institute and the proposal of conversion of another post to the post of S.S. had not been agreed to by the Ministry.

3. We have heard the arguments of S/Sri V.B. Tewari and R.P. Singh, learned counsel for the applicant and Sri N.P. Singh, learned counsel for the respondents.

4. The learned counsel for the applicant has shown to us Annexure SCA-1 dated 28.12.98 by which the Institute sought the names of 10 Ex-service men for filling-up the post of S.S. in the pay-scale of Rs. 4500-7000. The learned counsel for the applicant has also stated that the post of S.S. existed in the Institute. He has presented the document in support thereof. The learned counsel for the applicant has, also with the help of Annexures A-1, 2 & 3, urged that the post of S.S. existed on account of which the applicant was selected and offered appointment and was appointed to the post.

5. The respondents in their Counter reply have mentioned that the post of S.S. was sanctioned for 6th plan and it required the further approval for 8th & 9th plan. The approval was, however, not given. The applicant was consequently not paid his salary for which he filed O.A. no. 463/2000. The said O.A. was decided by requiring the respondents to pay the salary to the applicant, which has since been paid. The Contempt petition filed by the applicant for disobedience of the orders of the Tribunal in the said O.A., has been disposed of. This has led the

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applicant to file the present O.A. seeking his continuation.

6. The basic issue before us whether the respondents can be directed to create a post in order to accommodate the applicant under the circumstances where the proposal for continuation of the post of S.S. by converting the post of Stenographer has not been agreed to. We are of the view that it would clearly fall within the purview of the respondents to create or not to create a post.

7. The learned counsel for the applicant has urged that the applicant had to leave his services as Guard Commander in H.A.L. in order to join the Institute. We do not know whether the respondents would consider for creation of the post of S.S. in future. Since the post existed earlier and the Institute had recommended for creation of such post, we can only provide that incase the post is created in the Institute, the applicant may be accommodated on the said post.

8. With these observations, the O.A. stands disposed of without any order as to costs.

*D. Girish*  
MEMBER (J)

*S. Venkateswaran*  
MEMBER (A)

GIRISH/-