

178
1/11

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

Original Application no. 106/2003

Date of decision: 28.09.2004

The Hon'ble Mr. Kuldip Singh, Vice Chairman,

The Hon'ble Mr. M K Misra, Administrative Member.

Bhajan Lal Meena , s/o Shri Shambhudayal Meena, Presently working as Milker cum Cattle Attendant, Central Cattle Breeding Farm (CCBF), Ministry of Agriculture, Government of India, Suratgarh.

: Applicant.

Rep. By Mr. Kamal Deep Adv. Brief Holder for

Mr. N. R.Choudhary,

: Counsel for the Applicant

Versus

1. The Union of India, through the Secretary, Ministry of Agriculture, Government of India, Suratgarh.
2. Dy. Commissioner, Animal Husbandry and Dairy Department, Ministry of Agriculture, Krishi Bhawan, New Delhi.
3. Director, Central Cattle Breeding Farm, Suratgarh.

: Respondents.

Mr. Vinit Mathur: Counsel for the respondents.

ORDER

(CORAL)

Per Mr. Kuldip Singh, Vice Chairman.

Through this O.A the applicant calls in question the alleged in action on the part of the respondents in not providing him the appointment to the post of Veterinary Compounder.

2. The facts as alleged by the applicant are that he was appointed on the post of Milker cum Cattle Attendant vide order dated 13.04.92 at Central Cattle Breeding Farm (CCBF for

k



~~1/3~~
2/12

short), Surat Garh. The respondents have issued an advertisement on 15.10.99 for appointment inter alia on the post of Veterinary Compounder (Annex. A/1). The prescribed qualifications for a the said post are as under:

"Essential

- (i) Matriculate or equivalent examination;
- (ii) Training as Stockman/compounder at a recognized institute.

Desirable

Two years working experience in the department of animal husbandry in the same field.

The applicant claims that he possessed the "essential" and "desirable" qualifications for the said post and thus being eligible for the post applied for the same. The applicant was also called in for the interview, he being the most suitable candidate for appointment to the said post. However, one Raghuvar Pal Singh, was selected vide order dated 24.11.99(Annex. A/5). Aggrieved by the said order, the applicant preferred Writ Petition No. S.B. Civil S.P. No. 520/2000 before the Hon'ble High Court of Rajasthan and the Hon'ble High Court vide order dated 20.09.2002 was pleased to dismissed the Writ Petition as infructuous in view of the fact that the appointment of Raghuvar Pal Singh was cancelled by the respondents vide order dated 29.08.2002. The applicant further submits that he was placed at Sl. No. 2, in the merit list and since the appointment of Raghuvar Pal Singh had been cancelled, the appointment should have been given to him. The applicant further submits that while undergoing the training of Live Stock Assistant, he was



ku

I/O
2/13

given to understand that after completion of the training, he would be given the appointment on the post of Veterinary Compounder, which is evident from the letter dated 24.08.96 written by Director, C.C. B.F. Suratgarh and hence the applicant should have been given that appointment. He contended that the action of the respondents in not providing the appointment is illegal and violative of Art. 14 and 16 of the Constitution of India. He further submits that the respondents are duty bound to give him appointment. Hence it is prayed that a suitable direction be issued to the respondents to give him appointment.

3. The respondents have contested the case. The respondents in their reply pleaded that the O.A is barred by time since the appointment of Raghuvar Pal Singh was cancelled as early as on 29.08.2002 and therefore it was at that time the applicant had a cause of action to claim the appointment. The applicant has filed O.A. only on 05.05.2003, the O.A is barred by limitation. It is further stated that the applicant has suppressed a material fact that one of the ground for canceling the appointment of Raghuvar Pal Singh was that the interview Board was not constituted in accordance with law and recruitment rules. The applicant claims that he was at Sl. No. 2 in the merit list prepared by the said interview Board and when the constitution of the interview Board was not in accordance with the rules, the merit list prepared by the said Board has no legs to stand and on this basis, this Tribunal will not given any relief to the applicant.



[Signature]

HTI
27/14

4. We have heard the learned counsel for both the parties and perused the various records. Admittedly, the applicant has challenged the appointment of Raghuvar Pal Singh, when he filed W.P. before the Hon'ble High Court of Rajasthan, as said by him in para 4.9. of the O.A. The applicant also alleges that the writ petition was dismissed as having become infructuous, since the appointment of Raghuvar Pal Singh was cancelled by the respondents vide order dated 29.08.2002. The respondents, in their reply have admitted these facts and stated that one of the grounds for cancelling the appointment of Raghuvar Pal Singh was to the fact that the interview Board, which had held the selection, had not been constituted in accordance with law.



5. No rejoinder has been filed rebutting this contention of the respondents. We also cannot disbelieve the respondents since the respondents have categorically stated that the interview Board which was constituted for the selection for the post in question, had not been constituted in accordance with law and recruitment rules. Therefore any selection made by the said interview Board is also illegal, and the selection made by the said Board had to be cancelled. The respondents, themselves, in a proper manner have cancelled the selection made by the illegal interview Board, and any panel prepared by the said Board also does not confer any right on the persons included in the panel, however, high he/she may be in the merit. We may further add

K

I/12
I/15

that the applicant himself had stated in the instant O.A that he would be filed a copy of the judgement dated 20.09.2002, delivered by the Hon'ble High Court of Rajasthan, but the same has not been filed. Therefore, in the absence of the same we have no option but to believe the contention of the respondents that the interview Board was not properly constituted and the respondents have rightly cancelled the selection of Raghuvar Pal Singh.



6. In view of the above discussion, the O.A is bereft of any merit and is accordingly dismissed. No order as to costs.

**(M K Miera)
Administrative Member.**

**(Kuldip Singh)
Vice Chairman.**

Jsv.

Received Copy
Munir 8/10/13

Part II and III destroyed
in my presence on 30/10/2013
under the supervision of
section officer [signature] as per
order dated 18/10/2013

[Signature]
Section officer (Record) 30.10.2013

[Signature]
1/10/2013