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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR.**

Friday, the ninth day of January two thousand four.

O.A. NO. 296/2002.

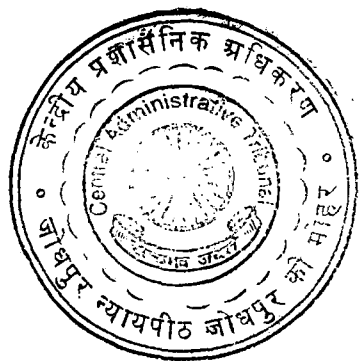
Hon'ble Mr. J.K. Kaushik, Judicial Member.

Hon'ble Mr. G.R. Patwardhan, Administrative Member.

Dr. Babulal Gajja
S/o shri Suraj Kishan Gajja
R/o Rameshwar Nagar,
Basni Ist Phase,
Jodhpur : Applicant.

Rep. By Mr.Rameshwar Hedau: Counsel for the applicant.

Versus.



1. Indian Council of Agricultural Research
New Delhi through its Secretary.
 2. The Director (P)
Indian Council of Agriculture Research
Krishi Bhawan
New Delhi 110 001
 3. The Director,
Central Arid Zone Research Institute (CAZRI)
Jodhpur.
- : Respondents.

Rep. By Mr. V.S. Gurjar: Counsel for the respondents.

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1/11**ORDER****Per Mr. J.K. Kaushik, Judicial Member.**

Dr. Babulal Gajja has filed this O.A assailing the impugned order dated 23.09.2002 (Annex. A.1), vide which a communication has been issued for looking after the current duties of the Head in the absence of the Head of the Division which is stated to be on the basis of seniority.

2. The facts of this case are not in dispute. It is admitted by both sides that there is no concept of seniority in respect of the post of Principal Scientists held by the applicant and the persons named in Annex. A.1 in the respondents department. The learned counsel for the applicant has submitted that the repercussion of the impugned order at Annex. A.1 is that a person who is junior to the applicant shall become the Head of the division in the absence of regular incumbent and the apprehension of the applicant is that he shall be compelled to work under his junior which may cause humiliation to him.

3. The learned counsel for the respondent has countered this argument by drawing our attention to page 32 of the reply wherein it is stated that there is no concept of inter-se seniority and the mentioning of the words 'seniority wise' in the impugned order is misnomer. He also brought to our



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notice Annex. R.2 dated 27.03.99, wherein it is stated that the Director CAZRI himself would look after the duties of Head and submitted that no problem would arise in view of the above.

4. When the learned counsel for the respondents was specifically confronted with a query that when the order dated 27.03.99 has already been issued, what was the necessity for passing the impugned order Annex. A.1. The learned counsel for the respondents has been fair enough and submitted that the impugned order has been erroneously passed and there was no necessity for passing the impugned order at Annex. A.1. If that be the case, the contention of the learned counsel for the applicant that the impugned order is wrong merits acceptance being well founded



5. The upshot, of the aforesaid discussion is that the O.A has force and the impugned order Annex. A.1 dated 23.9.2002 is hereby quashed with all consequential benefits. O.A. is allowed. However, there shall be no order as to costs.

(G R Patwardhan)
Administrative Member

J K Kaushik
(J K Kaushik)
Judicial Member

Jsv.

Copy of order dt 9/1/04
Sent to Shri Y. S. Lingar
Advocate vide no 28 dt 16-1-04

R/COPY
on 14/11/2004
(on behalf of Mr. R. Hedau)
Asst.
SAC
Asst.
(B. Khan)
Asst.

Part II and III destroyed
in my presence on 23/10/13
under the supervision of
section officer (J) as per
order dated 18/10/13

J. R. Shrivastava
Section officer (Record) 23.10.2013