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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**No. O.A. 112/2006
Jodhpur, this the 30th day of January, 2009.**

**Hon'ble Mr. N.D. Raghavan, Vice Chairman
Hon'ble Dr. Ramesh Chandra Panda, Member (A)**

1) Himmat Singh, Laboratory Attendant,
S/o Sh. LaKh Singh,
Central Arid Zone Research Institute (CAZRI),
Jodhpur.

2) Bani Lal, Laboratory Attendant,
S/o Sh. Bhoola Ram,
Central Arid Zone Research Institute,
Jodhpur

.....Applicant.

(By advocate : Shri Vijay Mehta)

-Versus-

(1) Indian Council of Agricultural Research
through its Secretary,
Krishi Bhawan,
New Delhi.

(2) Director,
Central Arid Zone Research Institute,
Jodhpur.

.....Respondents.

(By advocate : Shri V.S.Gurjar)

: O R D E R :

Hon'ble Dr. Ramesh Chandra Panda, Member (A)



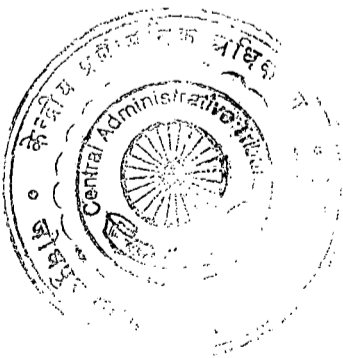
Shri Himmat Singh and Shri Bani Lal, both Laboratory Attendants, working at CAZRI, the applicants herein, have filed this Application under Section 19 of the Administrative Tribunals Act, 1985 seeking the relief to call the applicants for appearing in the interview scheduled to be held on 26.5.2006 for the post of T-I (Fieldman) in the Indian Council for Agriculture Research ('ICAR' for short). The

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applicants also sought directions to restrain the respondents from making selection and appointment without taking their interview and test. They sought interim directions to the respondents in the matter, which was considered by this Tribunal. This Tribunal heard the case of the applicants on interim relief on 25.5.2006 and directed the respondents to consider the candidature of the applicants for selection to the post of T-I (Fieldman) and permit them for the interview or test which was scheduled to be held on 26.5.2006 or subsequent date pursuant to the Notification (Annex.A/3) on provisional basis and to keep their result in a sealed cover. The interim relief so granted by this Tribunal has been complied with by the respondents and has been still continuing.

2- Facts of the case are that the applicants were appointed as Casual Labourer in Central Arid Zone Research Institute (CAZRI) under the respondent No. 2 in the year 1985 and 1983 respectively. Subsequently on 12.1.1998 applicant No. 1 was appointed to the post of Laboratory Attendant in which post he was confirmed after completion of the probation period. Applicant No. 2 was appointed to the post of Laboratory Attendant on 29.5.1995 in which post, he was confirmed on 17.4.1999. The respondent No. 2 vide the Notification dated 17.1.2006 published in Rajasthan Patrika invited applications to fill-up one vacant post of T-I (Fieldman). It is stated by the applicants that the qualifications required for the post was that the candidate must be a Matriculate with Science and one year experience certificate in Agriculture. The said Notification is at Annex. A/3. The

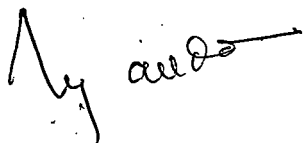


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applicants claim³ that They have passed Secondary School Examination with Science subject and has been working in CAZRI since 1985 (applicant No.1) and 1983 (applicant no.2) and subsequently as a Laboratory Attendant from 1998(applicant no.1) and from 1995 (applicant no.2) and possess the required experience. They claim³ that they are eligible in all respects and need to be called for interview. They claim³ that 20% of the vacancies in the grade T-I (Fieldman) post are required to be filled by promotion from persons in supporting services. The respondent no. 2 has chosen not to fill-up the said post by promotion but by recruitment through advertisement. The applicants having come to know of the same on 24.5.2006 that the respondent No. 2 is holding interviews on 26.5.2006, has moved this application to restrain the respondents from making any selection and also to permit the applicants for interview and any test that may be conducted for the same.

3- The respondents in their written submissions have stated that the vacancy in the post of T-I (Fieldman) is to be filled-up by direct recruitment for which the qualification was Matriculate with Science with atleast one year certificate in Agriculture from recognized institution. Through a Corrigendum, certain mistakes which appeared in the News Papers were corrected. They alleged that the applicants had not disclosed the facts. Respondents state that the vacancy under promotion quota was filled-up on 2.5.2006, and the vacant post in question was to be filled-up by direct recruitment through advertisement as per the extant rules. They submitted that as per the



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directions of this Tribunal, the applicants along with two others were permitted for test and interview and the assessment and the recommendation of the Selection Committee are in a sealed cover. Shri Gurjar, learned counsel for the respondents furnished the sealed cover to this Tribunal.

4- We heard Shri Vijay Mehta, the learned counsel for the applicants and Shri V.S. Gurjar, the learned counsel for the respondents No. 1 and 2. The sealed cover furnished by the learned counsel for the respondents in which the applicants result has been furnished was opened by us. Heard the learned counsels for the rival parties and perused the pleadings. The simple issue for our determination is in a narrow compass; whether the applicants have been selected by the Selection Committee for the only post of T-I (Fieldman)?

5- We opened the sealed cover containing (i) the Assessment-sheet (Marks statement) and (ii) proceedings of the Selection Committee constituted for selection to the post of T-I (Fieldman) at RRS, Kukma Bhuj. The Selection Committee consisted of Dr. S.P. Vyas, OIC, RRS, Bhuj as a Chairman; four Members [Dr. Dinesh Mishra, Principal Scientist, Sh. Susanta Saha, Sr. Administrative Officer, Sh. C.M. Murlidharan, Research Scientist and Dr. Balak Ram, Principal Scientist] and [Sh. Ram Singh, Assistant Administrative Officer, as] Member Secretary. The Six Member Selection Committee, conducted the selection process. Out of 55 candidates including four candidates as



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per the directions of this Tribunal, called to appear for test and interview before the selection committee, only 42 candidates appeared. The selection was conducted on 26.5.2006. The applicant No. 1 has secured totally 132 marks [Test 82 + Interview 50] whereas, applicant No. 2 has secured totally 86 marks [Test 41 + Interview 45] and were far below the first candidate who secured 167 marks. Thus, Sh. Gulab Chand Verma was found to be the best in the test, interview, experience and the educational qualification by the Selection Committee and recommended Sh. Gulab Chand Verma, (Sl. No. 12) as a selected candidate for the only vacant post of T-I (Fieldman) and two other candidates were recommended to be in the waiting list in order of merit who secured 156 and 155 marks respectively. Since the applicants have secured much less marks, the applicants were not recommended by the Selection Committee. We, therefore, conclude that the applicants are not successful in the assessment for the post by the Selection Committee.

6- We also find that the respondents have followed the extant T.S.R. Rules for filling-up of the vacancy through direct recruitment process. They have not violated the selection process. The Selection Committee has also assessed the applicants and did not find them to reach the first position.

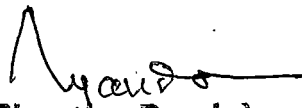


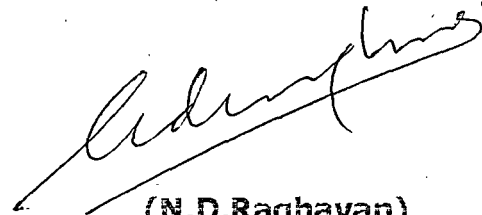
7- Having considered the total facts of the case and having gone through the Assessment-sheet and the proceedings of the Selection Committee, we are of the considered view that applicants, though

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permitted to appear in the test and the interview, could not come out successful for the only post of T-I (Fieldman). In view of the total facts and circumstances of the case, the O.A. being devoid of merits, is hereby dismissed. The interim order passed by this Tribunal is vacated. No orders as to costs.


(Ramesh Chandra Panda)
AM


(N.D. Raghavan)
VC

RL copy
on 12/2
[Signature]

Part II and III destroyed
in my presence on 7/3/15
under the supervision of
section officer [Signature] as per
order dated 07/07/2015

[Signature]
Section officer (Record)

[Signature]
[Signature]

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D-182/06
25/5/06

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BENCH AT JODHPUR

OA 112/2006

HIMMAT SINGH & another

VS

INDIAN COUNCIL OF AGRICULTURAL RESEARCH & ANOTHER

IMPORTANT DATES & EVENTS

1. Applications were invited for the post of T-1 (field man) vide notification dated 17/1/2006. The applicants applied for the same.
2. Interviews are being held on 26/5/2006 but the applicants have not been called to appear for interview despite their request.
3. The respondent No. 2 informed the applicant verbally on 25/5/2006 that since the applicants do not possess qualifications, they are not being called for interview. This assertion is incorrect because the applicants possess requisite qualifications.
4. The applicants are thus being deprived from interview and appointment.

Jodhpur

25/5/2006

Date of Presentation 25-5-06
On Receipt by Post by me
Presented by Shri J-C-Singh
Office to Report On Today as per Court slip

REGISTRAR
CAT, JODHPUR

Vijay Mehta

(Vijay Mehta)

Counsel for applicants

12/2/06