

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**



ORIGINAL APPLICATION No. 291/2007

Date of Order: 19.08.2010

CORAM:

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MR. V.K. KAPOOR, ADMINISTRATIVE MEMBER**

Purkha Ram, aged about 58 years, son of Shri Gorkha Ram, resident of Paharganj II, Nayapura Road, Jodhpur at present working as Senior Scientific Assistant III, in the office of Locust Warning Organization, Jodhpur, District Jodhpur.

....Applicant

Mr. Rajesh Shah, counsel for applicant.

VERSUS

1. The Union of India through the Secretary, Ministry of Agriculture (Department of Agriculture & Cooperation), Krishi Bhawan, New Delhi.
2. The Plant Protection Adviser to the Government of India, Directorate of Plant Protection, Quarantine & Storage, National Highway-IV, Faridabad Haryana.
3. The Chief Administrative Officer, Directorate of Plant Protection, Quarantine & Storage, National Highway-IV, Faridabad, Haryana.
4. Shri Bijendra Singh, presently promoted as Assistant Plant Protection Officer C/o Directorate of Plant Protection, Quarantine & Storage, National Highway-IV, Faridabad, Haryana.
5. Shri Choth Mal Meena, presently promoted as Assistant Plant Protection Officer, C/o Directorate of Plant Protection, Quarantine and Storage, National Highway-IV, Faridabad, Haryana.

....Respondents.

Mr. Kuldeep Mathur, counsel for respondents.

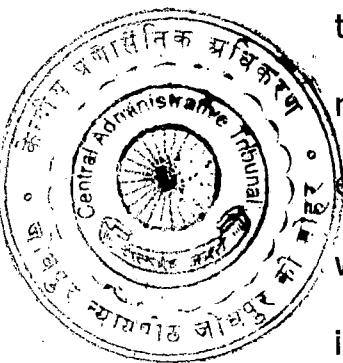
**ORDER
(Per Dr. K.B. Suresh, Judicial Member)**

Methodology of plant protection and the methodology of ensuring that the crops of India are protected seems to be the duty of the second respondent and his subordinate officers, the applicant is one amongst them. He is presently holding the post of



Senior Scientific Assistant III (SSA-III) which is a feeder cadre for Assistant Plant Protection Officer. Being a Senior Scientific Assistant III in the Locust Warning Organization at Jodhpur his function appears to be to predict and take requisite measures to prevent Locust from harming the crops on their migration from west. We were able to get proper assistance from the counsel relating to the functioning of Senior Scientific Assistant III and also Assistant Plant Protection Officer, which is next promotional post.

2. The applicant would claim that he has served more than 24 years in the present cadre of Senior Scientific Assistant III in the respondent-organization, apparently with utmost satisfaction of his superiors. Now he would claim that he has not been promoted on the post of Assistant Plant Protection Officer on misinterpretation of recruitment rules even though he was considered by the DPC and even though his seniority position was at serial no. 68. The persons who were at serial no. 82 and 83 were given promotion vide impugned order dated 16.06.2007 (ann A/1) to the post of Assistant Plant Protection Officer. Under the Right to Information Act, he had applied to get certain information and also submitted representations, filed O.A. 144/2007 before this Tribunal wherein it is apparent that the applicant seems to be a S.T. reserved community candidate and the Tribunal directed the second respondent to dispose of applicant's representation dated 22.06.2007 by a speaking order. The annexure A-6 / office memorandum dt. 14.09.2007 is the result of the respondents' compliance of the Tribunal's direction. The respondents have stated in the office memorandum dated 14.09.2007 that the existing recruitment rules for the post of Assistant Plant Protection Officer



W.B.

(APPO) provide for promotion from SSA-III with five years regular service in the grade and possessing B.Sc. degree in Agriculture or B.Sc. degree with Botany or Zoology as a subject from a recognized University or equivalent. Since the applicant possessed only Secondary School Certificate, he may not be allowed to be accommodated as Assistant Plant Protection Officer says the respondents.

3. The applicant had drawn our attention to recruitment rules / notification dated 12.12.1989 (part of annexure A/8). In column no. 9 relating to whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. From this, it is clear that this is not applicable. Learned counsel for respondents would invite our attention to column no. 12 which is related to recruitment by promotion / deputation / transfer, grades from which promotion / deputation / transfer to be made, which says that Technical Officer (III) with five years' regular service in the grade and possessing B.Sc. degree in Agriculture or B.Sc. degree with Botany or Zoology as a subject from a recognized University or equivalent but for transfer on deputation under the same column also it is said that (a) (i) officers under the Central Govt. holding analogous posts on regular basis **or** with five years' regular service in the posts in the scale of Technical Officer as mentioned above, and possessing B.Sc. degree in Agriculture or B.Sc. degree with Botany or Zoology from a recognized University or equivalent. Therefore, it is submitted that the word 'promotion' has wrongly been inserted as the post of APPO is not at all a direct recruitment post but therein by mistake a qualification which are required for a direct recruitment are also included. This is more



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clear from the word 'or' in the said clause (a) (i) of transfer on deputation which holds that a person holding analogous post on regular basis can also be posted as Assistant Plant Protection Officer **or** a person with 5 years' regular service in the scale of Technical Officer (III) and possessing B.Sc. degree in Agriculture or B.Sc. degree with Botany or Zoology from a recognized University or equivalent. Therefore, we feel that word 'promotion' mentioned in the column 12 can only mean ex-position of qualification for a direct recruitment, otherwise 24 years of service which applicant had rendered in the feeder cadre will go waste.

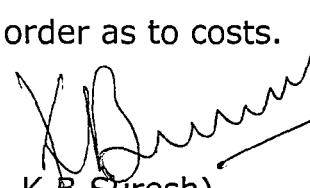
4. We are also guided by a decision of Hon'ble the Apex Court in

K.M. Mishra vs. Central Bank of India reported in SCC 9 (2008)

120, JT 10 (2008) 357.

5. Accordingly, the respondents are directed to convene a review DPC and consider the applicant's case for promotion to the post of Assistant Plant Protection Officer, and if selected, his pay and other allowances may thereby be notionally fixed and consequences thereof be made to the applicant within a period of three months from the date of receipt of a copy of this order. The O.A. is allowed to the extent indicated above. No order as to costs.


(V.K.Kapoor)
Administrative Member


(Dr. K.B.Suresh)
Judicial Member

दिनांक 17/12/15 के अद्यतानुसार
प्रेरी उपस्थिति में दिनांक 11/12/16
को भाग-II का III नं. लिए गए।

अनुभाव शहिदकारी
केन्द्रीय प्रशारनिक अधिकारी
लौलपुर न्यायपर्ची, जाम्बुर