

**CENTRAL ADMINISTRATIVE TRIBUNAL : JODHPUR BENCH
AT JODHPUR.**

No. M.A. 122 of 2010
in O.A. No. 220 of 2010
& O.A. No. 220 of 2010.

DATE OF ORDER : 13.7.2012.

Hon'ble Mr. Sudhir Kumar, Member (A).

Hon'ble Mr. V. Ajay Kumar, Member (J).

BETWEEN :

Dr.SOM PRAKASH JOSHI

S/o Shri Sheolal Joshi,
aged 59 years, R/o Near Tapi Baori,
Bhimji Ka Mohalla, Jodhpur.

...Applicant

(By Advocate : Shri S.K.Vyas)

1. The Secretary,
Ministry of Agriculture,
Govt. of India,
Krishi Bhawan,
New Delhi.
2. The Director General,
Indian Council of Agriculture Research,
Krishi Bhawan,
New Delhi.
3. The Director,
Central Arid Zone Research Institute,
Jodhpur.

...Respondents

(By Advocate : Shri Ashok Changani)

V-2-annex

ORDER**(V. Ajay Kumar, Member (J))**

The applicant in this O.A., who is working as Senior Research Associate, in the 3rd Respondent Institution, had earlier filed O.A. No. 453/1990 seeking to quash his termination order and for consequential reliefs. This Tribunal, by its order dated 23.11.1998, directed the Respondents "to consider the case of the applicant along with others for recruitment against the vacant posts of T.II.3 at the Institute of Jodhpur in the similar way, as has been directed by the council in respect of three other Research Associates vide their communication dated 26.12.1997, within a period of three months from the date of receipt of the order.

2. Considering the reasons mentioned by the applicant in M.A. No. 122/2010, which is an application for condonation of delay, the delay in filing the O.A. is condoned and M.A. No. 122/2010 in O.A. No. 220/2010 is allowed.

3. The applicant filed the present O.A. alleging that though the Respondents considered the case of the applicant as per the orders of this Tribunal, but selected one Shri H.S.Panwar whose name had not been included in the select list/panel of the DPC held on 14.3.2001, in preference to him whose name was shown at Serial No. 1 in the panel list.


4. In reply to the O.A. averments, the respondents filed detailed reply and at para 4.16 of the said reply, they have categorically mentioned that three posts of T.II.3 (UR-1, SC-1 & OBC-1) are advertised and the name of the applicant was considered against the unreserved vacancy of T.II.3 and as he stood second against the unreserved vacancy of T.II.3, one Shri S.C. Vyas, who stood first in

15-7-2010

the General Category, was appointed and though the applicant's name was shown at No. 1 in the panel list, he could not be appointed for want of vacancy. On the other hand, the aforesaid H.S. Panwar, belongs to OBC and as he stood first in the said category, he was appointed against the only OBC vacancy of T.II.3. In fact, another person Shri Ramesh Chandra Harth, was also appointed against the only SC vacancy of T.II.3.

5. Since the applicant failed to show any other reason in support of the O.A. averments and as there is force in the submissions made by the learned counsel for the Respondents, we find no merit in the O.A. and the same is accordingly dismissed. No order as to costs.

V-2-ajay
(V. Ajay Kumar)
Member (J)


(Sudhir Kumar)
Member (A)

rs.

R. K. Kaur
19/7/12

Base
Chud
22/1/18