

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.442/96

Thursday, this the 8th day of January, 1998.

CORAM

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

HON'BLE MR S.K. GHOSAL, ADMINISTRATIVE MEMBER

1. Dr. C. Mohandas, Senior Scientist,
Central Tuber Crops Research Institute,
Sreekariyam, Thiruvananthapuram - 695 017.
2. Dr.(Mrs) Santha V. Pillai,
Senior Scientist, Central Tuber Crops
Research Institute, Genetics Division,
Sreekariyam, Thiruvananthapuram - 695 017.

..Applicants

By Advocate M/s R. Rajasekharan Pillai.

Vs.

1. The Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi.
Represented by its Secretary.
2. The Secretary, Agricultural Scientists
Recruitment Board, Indian Council of
Agricultural Research,
Krishi Bhavan, New Delhi.
3. The Director General,
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi.
4. The Central Tuber Crops Research Institute,
Thiruvananthapuram represented by its Director.

..Respondents

By Advocate Mr P. Jacob Varghese.

The application having been heard on 8.1.1998, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

Applicants seek to quash A7 and A7(a) orders dated
18.12.95 and for ancillary reliefs.

2. The orders impugned were passed in response to
the representations made by the applicants as per order in
O.A.2232/93 of this Bench of the Tribunal.

3. Learned counsel appearing for the applicants submitted that the impugned orders cannot stand judicial scrutiny for the reason that these orders do not contain the reasons for the conclusion arrived at in not granting the relief sought for by the applicants in terms of the revised order dated 6.2.95 issued by the Respondent Institution i.e., the Indian Council of Agricultural Research. What is stated in the reply statement filed by the respondents is nothing but vague as to how they have arrived at the conclusion shown in the impugned orders.

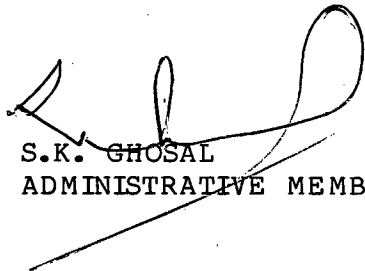
4. It is not enough to pass an order under these circumstances stating the finding alone but it should contain the reasons on which such finding has been arrived. The applicants in this case are entitled to know on what ground their request has been turned down. For the judicial forums to sit in judicial review, it is not possible to exercise its functions unless the order contains the grounds on which the finding has been arrived.

5. On going through the impugned orders A7 and A7(a), we do not find anything excepting that the request of the applicants has been rejected. It should have been supported by reasons and as being not supported by reasons and also by considering the circumstances of the case, we have no alternative but to quash A7 and A7(a) impugned orders.

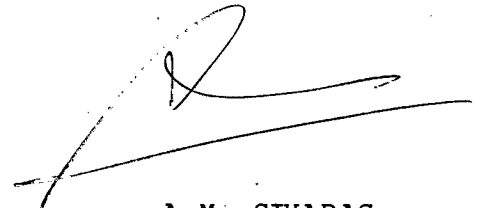
6. Accordingly, A7 and A7(a) orders are quashed and the second respondent is directed to consider afresh the representations made by the applicants in pursuance of A4 order dated 27.6.95 and to dispose it of by a speaking order

with reference to the orders dated 6.2.95 (R2) made mention of in A4 order within a period of four months from the date of receipt of a copy of this order. The second respondent while disposing of the representations shall direct the applicants to make available all the relevant materials for assessing the eligibility of the applicants. No costs.

Dated the 8th of January, 1998.



S.K. GHOSAL
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

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LIST OF ANNEXURES

1. Annexure A4: Order dated 27.6.1995 in OA.2232/93 of the Central Administrative Tribunal, Ernakulam
2. Annexure A7: Intimation No.F29/94-Per dated 18.12.1995 issued by the 4th respondent, Administrative Officer, Central Tuber Crops Research Institute, Trivandrum to the Applicant.
3. Annexure A7(a) Intimation No.F29/94-Per dated 18.12.1995 issued by the 4th respondent, Administrative Officer, CTCRI, Trivandrum to the applicant.
4. Annexure R2: Letter No.8(3)/95-Per.IV dated 6.2.1995 issued by the Director (Personnel) Indian Council of Agricultural Research, New Delhi.

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