

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No.143 of 2008.

Thursday this the 31st day of July, 2008

C O R A M

HON'BLE DR. K.B.S. RAJAN, JUDICIAL MEMBER
HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER

1 P.A. Manoharan Pillai S/o late P.G. Gopala Pillai
Assistant, Central Plantation Crops Research Institute
(Indian Council of Agricultural Research)
Kasaragod-671 124

2 Fredrick Crasta S/o Sabas Crasta
Assistant, Central Plantation Crops Research Institute
(Indian Council of Agricultural Research)
Kasaragod-671 124

Applicants

By Advocates Mr. P.K. Madhusoodhanan & Hridya PM

Vs.

1 The Director
Central Plantation Crops Research Institute
(Indian Council of Agricultural Research)
Kasaragod-671 124

2 The Secretary
Indian Council of Agricultural Research
Krishi Bhavan
New Delhi-110 001

3 Union of India represented by
its Secretary, Ministry of Agriculture
Krishi Bhavan,
New Delhi-110 001


Respondents

 By Advocate Mr. TP Sajan for R 1 & 2
Advocate Mr. TPM Ibrahim Khan, SCGSC for R 3

The Application having been heard on 7.7.2008 the Tribunal delivered the following:

ORDER**HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER**

There are two applicants in this OA. Both are working as Assistants in the Central Plantation Crops Research Institute, Kasargod. They are aggrieved by the circular issued by the respondent No. on 29.2.2008 inviting applications for participating in a Limited Departmental Competitive Examination (LDCE for short) for filling up one post of Asst. Administrative Officer (A/6). It is the contention of the applicants that this vacancy should have been filled up by promotion based on seniority and not through LDCE. This vacancy arose from the retirement of one Shri PP Hydross who was promoted to that post and consequently the vacancy should have been filled up by promotion only. Instead the respondents are trying to fill up the post through LDCE, by adjusting one Mr.G.V.Nair against promotion quota. Mr. G.V.Nair was originally appointed to the post of Superintendent through LDCE. All the posts of Superintendent was abolished and all the occupants of that post was upgraded as Asst. Administrative Officer. Therefore, according to the applicant, Shri GV Nair should have been shown against LDCE quota. There are 12 Assistants who have crossed the age of 55 years and are now in the last few years of their career. The representation made by the applicants in this regard has been rejected by the respondents by their letter dated 28.2.2008 (A/5). The proposal to fill up the present vacancy by LDCE will adversely affect their promotional chances. The criteria for deciding the method of recruitment is on the whims and fancies of the respondents. The



applicants have therefore prayed for the following relief through this OA.

- (a) Set aside Annexure A-5
- (b) Declare that the applicants are eligible to be considered for promotion to the post Asst. Administrative Officer vacated by promotee officer Sri P.P. Ghidross on superannuation from service following post based roster
- © issue necessary direction to the respondent not to proceed with Annexure A-6 to the detriment of the seniormost Assistants working under the CPCRI
- (d) Costs of this proceedings and
- (e) Grant such other and further reliefs as this Hon'ble Tribunal deemed fit and proper

2 The respondents have contested the OA and filed a detailed reply statement. It is contended in the reply that before the recruitment rules were amended on 27.2.2000 all the posts of Asst. Administrative Officer were filled up by promotion only. By amendment to the recruitment rules the method of recruitment was modified as 75% by promotion and 25% by Limited Departmental Competitive Examination which is open to different feeder cadres such as Assistants, Sr. Stenos, etc. (i.e. ratio of 3:1). After the new recruitment rules came into force, the first three vacancies were filled up by promotion. The fourth vacancy was filled up by LDCE. Thereafter three subsequent vacancies were filled up by promotion. The present vacancy is the next to be filled which should go to the LDCE. Mr. G.V. Nair was promoted from the post of Assistant to the post of Superintendent through LDCE on 1.6.1992. (pay scale Rs.1640-2900). He was subsequently promoted in 1998 as Asst. Administrative Officer by way of promotion when the posts of



Superintendents were upgraded. The said promotion was effected on the recommendation of a duly constituted DPC. Therefore he cannot be shown against LDCE quota in the post of AAO. The applicants could also have participated in the LDCE notified for filling up the present vacancy.

3 We have heard the learned counsel for the applicant Shri PK Madhusoodhanan, the learned counsel for the respondent 1 and 2 Shri T.P.Sajan and Ms. Jisha for SCGSC TPM Ibrahim Khan for R3. We have also carefully studied the documents on record.

4 The issue for adjudication in this OA is whether the method of recruitment adopted by the respondents for filling up the present vacancy of Asst. Administrative Officer (AAO) is consistent with the recruitment rules. The recruitment rules as amended on 27.7.2000 in respect of Asst. Administrative Officer states as follows:


<p>10 Method of recruitment whether by Direct recruitment or by promotion or by deputation /absorption and percentage of posts to be filled by various modes.</p>	<p>a) 75% by promotions</p> <p>b) 25% by limited Departmental competitive examination confined to Supdt. (Admn) Sr. Steno. having three years regular service or 5 years combined regular service in the grade of Assistant & Supdt. (Admn)/PA & Sr.Steno or 5 years regular service in the grade of Assisstant/PA in the scale fo Rs. 5500-9000 as on the closing date notified for receipt of application for examination, at the respective Instt.</p> <p>c) Failing (a) and (b) above by deputation from the ICAR Institutes/Hqrs. From amongst the officials eligible as per 10(a) below. The deputation will be for a period not exceeding 3years.</p> <p>d) Failing (a), (b) and © above by Direct recruitment in accordance to the qualifications prescribed under Colc.6 above by Interview at the concerned Institute level.</p>
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5 The respondents have stated in their reply that after the above method of recruitment was introduced, the first three vacancies were filled up by promotion, the fourth vacancy by LDCE and the next three vacancies by promotion. The present vacancy is the eight vacancy and according to the ratio of 3:1, it should go to the LDCE quota. We do not find anything wrong with this principle. This is consistent with the method of recruitment prescribed in the recruitment rules. In the rejoinder filed by the applicant, the above factual position has not been shown to be incorrect. Whether the vacancy earmarked thus for LDCE has to be filled by UR, SC or ST is a matter that will be determined by the post based Roster maintained by the organisation.

6 The applicants' contention that Mr. G.V. Nair's upgradation from Superintendent to AAO is not a promotion cannot be sustained. Mr. G.V. Nair was in the pay scale of Rs. 1640-2900. The replacement scale for that scale is Rs.5500-9000. But he was given the scale of Rs 6500-6900. Therefore the respondents have correctly treated it as promotion.

7 For the reasons stated above, we do not find any merit in the OA. The OA is therefore dismissed. The interim order granted on 14.3.2008 is hereby vacated. The parties will bear their own costs.

Dated


K.S. SUGATHAN
 ADMINISTRATIVE MEMBER


K.B.S. RAJAN
 JUDICIAL MEMBER