

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 274 1991
T. A. No.

DATE OF DECISION 16.10.91

T. V. Ramachandran Applicant (s)

V. N. Ramesan Advocate for the Applicant (s)

Versus

Director General, ICAR, Respondent (s)
Krishi Bhavan, New Delhi and others

Mr. P.V. Madhavan Nambiar, Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

The applicant, an ex-serviceman who is re-employed as clerk in the Central Plantation Crops Research Institute, Kasragod, CPCRI for short, challenges Annexure-III office order issued by the Director appointing the third respondent as Supdt. mainly on the ground that it is against Annexure-I Recruitment Rules for the post of Supdt. ⁱⁿ the Research Institute under the ICAR and hence violative of the provisions of Article 14 and 16 of the Constitution of India.

2. The applicant submitted that he is fully eligible and suitable to be promoted as Supdt. in the CPCRI under the provisions of the Annexure-I Recruitment Rules since he has passed in the written examination held for promotion on the basis of the limited Departmental Competitive Examination held on 23rd to 25th August, 1990 as per Annexure-II notification. For the post of Supdt., the Recruitment Rules provide for promotion from Assistants and Stenographers in the scale of Rs. 425-700 (pre-revised) to the extent of 66 1/3% by promotion and 33 1/3% by way of Limited Departmental Competitive Examination. In case, no eligible Departmental candidate qualifies in the Exam., the post may have to be filled up by deputation from other Institutions. The applicant is qualified to be appointed as Supdt. both in the quota set apart for promotion and Departmental Competitive Examination under the Rules. After in which [✓] the examination/only 7 candidates participated, a list was prepared on the basis of the marks obtained by the candidates. The applicant according to him is No.1 in the list. The second position was given to one Shri G. V. Nair, and the third respondent was placed in the third position. So the applicant submitted that he should have been posted as Supdt.

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without conducting any other proceedings by verification of the service records through the DPC. The Recruitment Rules do not make any provision for scrutiny and verification of ^{Records} and award of marks by the DPC though the Rules provide for constitution of a DPC if a DBC exists. The applicant alleges that contrary to the Recruitment Rules, the second respondent constituted the DPC for evaluation of service records so as to favour the third respondent and appoint him in the existing vacancy of Supdt. overlooking the claims of the applicant. Hence, the aforesaid proceedings are illegal and the selection of the third respondent is liable to be set aside by quashing Annexure-III order dated 19.9.90.

3. The applicant's claim for appointment as Supdt. is based on Annexure-I Recruitment Rules. He submitted that a candidate who appeared in the examination and scored the highest mark is entitled to be appointed without verification of his records and award of any competitive marks by the DPC because according to him no such procedure is contemplated in Annexure-I Recruitment Rules. Para 11 of the Recruitment Rules read as follows:

"11- If a DPC exists, what is its composition.

DPC to be constituted by the Council in consultation with Agricultural Scientists' Recruitment Board. "

He admits that there is a provision for constitution of DPC if such a DPC exists, but there is no procedure for further verification of the service records as part of the Examination process for the selection to the post of Supdt. under the above rules.

4. The respondents in the reply statement stated that a uniform syllabus and plan for examination approved by the Ministry as per Ext. R-1 and R-2 consist of two parts for the Examination. Part-1 provides for written Examination carrying a maximum of 500 marks in five papers and Part-2 mentions about evaluation of records of service of the candidates for a period of last three years carrying a maximum mark of 150. The said policy was issued in 1984 long before the Annexure-II notification issued for the conduct of the Examination. The applicant was aware of these policies and hence he cannot attack the selection of the third respondent who was recommended by the DPC in its proceedings held on 17.9.90 after awarding marks to all the three candidates enlisted after the written Examination. Since the third respondent was found to be better qualified and suitable for the promotion as Supdt.

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Annexure-III proceedings were issued clearly indicating that

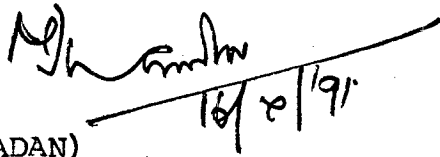
"based on the Limited Departmental Competitive Examination held from 23rd to 25th August, 1999 and on the recommendation of the DPC the Director has been pleased to appoint Shri T.S. Ponnaiah Assistant, CPCRI, Kasragod to the permanent post of Supdt. in the scale of pay of Rs. 1640-60-2600-EB-75-2900 at CPCRI Regional Station, Vittal w.e.f. which he reports for duty."

5. The applicant has no case that he ~~xx~~ is not aware of the existence of Ext. R-1 and R-2 plan for Examination consisting of two papers. He has also not challenged these documents in these proceedings. He has also not case that his service records are better when compared to the service records of the third respondent and he is entitled to be awarded more marks than that of the third respondent in assessing the confidential records as part of the Examination proceedings. The applicant has also not filed any rejoinder denying the statements contained in the reply statement filed by the respondents. Hence there is no merits in this case.

6. Having regard to the facts and circumstance of the case, we are of the view that the applicant is not entitled to be appointed as Supdt. simply because he has been placed above the third respondent while preparing a list based on the marks obtained in the written Examination alone. In this case, though the Recruitment Rules is silent about the verification of the service records

of the candidates for three years as part of the selection proceedings, executive orders, Annexure R-1 and R-2, have been issued supplementing the same and including the above provisions also for making proper and correct selection. Adoption of such procedure cannot be considered to be illegal. Assessment of service records of the candidates for three years for finding out whether the candidate is suitable or not by awarding mark cannot be assailed as illegal procedure on the facts and circumstances of this case.

7. Having considered the matter in detail we are of the view that no injustice has been caused to the applicant by the appointment of the third respondent and he has no genuine grievance. In this view of the matter, the application is liable to be dismissed. Accordingly we dismiss the same. There will be no order as to costs.


(N. DHARMADAN)
JUDICIAL MEMBER


(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER

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