

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A. No. 137/05

Lucknow this the 28th day of March, 2005

HON. SHRI S.P. ARYA, MEMBER(A)

HON. SHRI M.L. SAHNI, MEMBER(J)

Dr. Ramakant Singh, son of Sri R.B. Singh Scientist 'C'
Toxicology Division, Central Drug Research Institute, Chhater
Manzil Palace, Lucknow, aged about 47 years, r/o Gayatri
Puram, Sardar Patel Marg, Kursi Road, Lucknow.

...Applicant.

By Advocate Shri H.N. Tewari.

Versus

1. Director C.D.R.I., Chhater Manzil, Palace, Lucknow.
2. Controller of Administration, C.D.R.I., Chhater Manzil,
Palace, Lucknow.
3. Section Officer (recruitment), C.D.R.I., Chhater Manzil,
Palace, Lucknow.
4. Screening Committee for the post of Scientist 'F'
Endocrinology, C.D.R.I., Chhater Manzil Palace,
Lucknow.

...Respondents.

By Advocate Shri Raj Singh for Shri A.K. Chaturvedi.

Order

By Shri M.L. Sahni, Member(J)

1. This Original Application has been filed by Dr. Ramakant Singh who has been working as Scientist 'C', Toxicology Division, in the Central Drug Research Institute, Chhater Manzil Palace, Lucknow (in short CDRI), praying for issuance of directions to the respondents for allowing him to appear in the interview being held for the post of Scientist 'F' Endocrinology w.e.f. 29.3.05 to 31.3.05 at CDRI, Lucknow. By way of interim relief, the applicant has sought for stay of the selection process/interview being held for the above stated post on the above said dates.


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2. On the request of the learned counsel for the applicant, considering the matter to be urgent, the O.A. has been taken up for hearing because the notice of the O.A. has already been served upon the learned counsel for the respondents. Accordingly, we have heard the learned counsel for the parties at length and have considered their rival submissions made on behalf of the parties.
3. Precisely stated, the relevant facts of the case for disposal of the O.A. are as follows. C.D.R.I. , vide advertisement No. 3/2004 ~~has~~ invited applications on the prescribed forms from the persons of Indian nationality for various posts including Scientist 'F' grade IV (5). There is only post and the essential qualification prescribed in the advertisement are: "1st class M.Sc. in Chemistry /Biochemistry/ Biotechnology or any branch of Life Sciences with 13 years experience or Ph.D in reproductive Biology/Molecular Endocrinology with at least 10 years Post-doctoral research experience in the relevant area as evidenced by outstanding record of publication in high impact journals." The advertisement further provides that candidates possessing at least 5 years of independent R&D experience shall be preferred. This is a very senior position where the selected candidate is required to direct and supervise a R&D group and also participate in the institutional management."
4. In response to this advertisement, the applicant submitted his application in the prescribed ~~proforma~~^{form} on 30.11.04 and also sent a photo-copy by registered ~~to~~^{post} to the Director CDRI. It is stated on behalf of the applicant that he learnt on 17.3.05 via Internet that 4 candidates only had been called for interview for the post and that he had been denied the opportunity of appearing in the interview. Consequently, the applicant preferred a representation dated 18.3.05 to the Director C.D.R.I. requesting him to give him the chance for appearing in the interview for the said post because he was better qualified than those candidates who have been called for interview.

5. On behalf of respondents it has been submitted that the Screening committee duly constituted under rules, has short listed names of 4 candidates, who according to the criteria set by the Screening Committee fulfilled the requisite requirement. Rule 6.5.2 of C.S.I.R. Scientist Recruitment Assessment Promotion Rules, 2001 interalia lays down that "For recruitment of Scientist upto Scientist Group IV(5) level the Director in the laboratories and in the case of CSIR Hqrs, D.G., CSIR shall constitute the Screening Committee." It further provides that the Committee shall screen the applications received and organize a written test or seminar if considered necessary for short listing the candidates to be called for interview.
6. The Screening Committee is comprised of one Scientist from ^{another} CSIR Lab (ii) One Scientist from the Lab/CSIR Hqrs. And (iii) Director/DG as nominee. The Director is also authorized to take help of the Board in screening applications, in case he considers such assistance useful. Thus, from the rules applicable, in the instant case, the Screening committee has short-listed the names of 4 candidates out of 9 whose applications have been received for the post in question as advertised vide advertisement No. 3/204.
7. The learned counsel for respondents has produced before us the requisite documents whereby criteria has been laid down by the Screening Committee for short listing of the candidates. From the record submitted on behalf of the respondents, we find no reason to interfere with the action being taken by the authorities concerned at this stage who have purportedly acted in accordance with rules. However, since it is the case of the applicant himself that he has submitted a representation to the Director CDRI vide Annexure A-5, praying for allowing him an opportunity to appear for the interview and the said representation is still under consideration with the Director, CDRI, therefore, it shall be in the interest of justice to ensure that the said representation is decided
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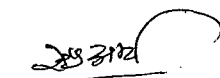
expeditiously[&] at the earliest before the interviewed scheduled to be held between 29-3-2005 to 31-3-2005 are concluded, so that the grievance of the applicant finds redressal by the authorities concerned. It is contended on behalf of the respondents^{that} who have been restrained to deal with representation in view of the pendency of the present O.A.. Since from the facts, as have been brought on record, as duly discussed above, we find no prima facie case to entertain the O.A. at this stage, we think it expedient that the O.A. can be disposed of with the direction to the respondents, especially, the Director CDRI that the representation dated 18.3.05 of the applicant (Annexure 5) is considered and disposed of expeditiously^{by or} before 30th March, 2005, so as to enable the applicant to seek redressal of his grievance if the same subsists after passing of the order on his representation. The competent authority shall pass the order as directed above, taking into consideration the pleas as^{raised} taken by the applicant in this O.A. and the order shall be detailed and speaking order.

8. The O.A. is accordingly disposed of without any order as to costs.


(M.L.SAHNI)

Member (J)

s.a.


(S.P.ARYA)

Member(A)