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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.
AT HYDERABAD

ORIGINAL APPLICATION NO. 945/95

DATE OF ORDER : 30-03-1998.

Between :-

T. Satya Narayana Murthy

... Applicant

And

1. The Director,
Central Research Institute for
Dryland Agriculture,
Santoshnagar, Hyderabad-500 059.
2. The Sr. Administrative Officer,
Central Research Institute for
Dryland Agriculture,
Santoshnagar, Hyderabad-500 059.
3. The Director General,
Indian Council of Agricultural
Research, Krishi Bhavan,
New Delhi-110 001.

... Respondents

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Counsel for the Applicant : Shri K.K. Chakravarthy

Counsel for the Respondents : Shri N.R. Devaraj, Sr. CGSC
Shri B. Gandhi (party-in-person)-R4.

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CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri B.S. Jai Parameshwar, Member (J)).

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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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Heard Sri K.K.Chakravarthy, counsel for the applicant and Sri N.R.Devaraj, standing counsel for the respondents. Heard Sri B.Gandhi, Respondent No.4 in person.

2. While the applicant was working as Sr.Clerk under the Respondent No.2, the applicant submitted his application for consideration for the post of Supervisor^{intendant} (Audit & Accounts) in the scale of Rs.1640-2900 in the National Bureau of Soil Survey & Land Use Planning, Nagpur. He was selected and appointed to the said post by proceedings No.3-62/92 Adm/4501/4 dt.12-3-97 (Annexure R-6 to the Additional reply statement). On permanent transfer basis at Headquarters at Nagpur. In the said order, it is stated that the applicant will be on probation for two years and would be entitled to transfer TA/DA. Accordingly, the applicant reported for duty at Nagpur on 25-3-97.

3. The applicant submits that there are posts of Superintendent (Audit & Accounts) under the Respondent No.2 organisation and that his case has not been considered properly.

4. Hence he has filed this O.A. for a declaration that the action of the respondents in not filling the post of Supdt., (Audit & Accts.) with the qualified candidates as illegal and to direct the respondents to promote the applicant to the post of Supdt., (Audit & Accts.) from the date of his qualifying the examination with all consequential benefits.

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5. Respondents have filed a reply stating that post of Supdt., (Audit & Accts.) will be filled by promotion by ICAR within the Institute following ICAR (Audit & Accts) Examination method. It is submitted that the office had taken certain persons earlier from the Accountant General's Office to work as Supdt. (Audit & Accts) ~~for various administrative reasons~~ because none in the Institute ^{was} eligible for promotion to the said post. Further all the eligible candidates will be considered to fill up it is submitted that cases of ~~seven~~ sanctioned posts of Supdt.s including the post of Audit & Accounts Section in the light of the final order of this Tribunal in OA 1278/93 filed by Smt. A.Prema Kumari. Respondents however state that it is not open to the applicant to claim appointment to the post of Supdt. (Audit & Accounts) as a matter of right ignoring the candidature of his three seniors who also have qualified in the Audit & Accounts Examination of ICAR simply because he has now become eligible for promotion to the said post.

6. The applicant was appointed on permanent transfer basis at Nagpur. However in letter No.F.No.1-3(27)/96.97-Estt dt.25-3-97 respondent No.2 clearly stated as follows :-

With reference to his submission dt.20-3-97 to retain his lien in CRIDA for a period of two years with effect from 25-3-97 on his present post, Sri T.S.N.Murthy, Senior Clerk is hereby informed that his lien will be retained in this Office as per rules.

In that view of the matter, the applicant holds a lien under the respondent No.2. In these circumstances, if the applicant expresses his willingness for re-patriation, his case for the proper designation/post should be considered in accordance with the law.

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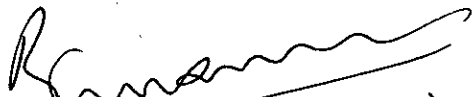
If the applicant is within the zone of consideration for the post of Supdt., (Audit & Accts.), then he may ^{also} be considered for the said post in accordance with the rules.

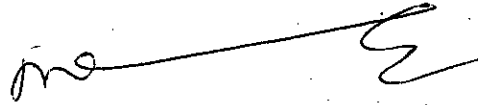
7. Respondent No.4 ^{was}impleaded in this O.A. at his own request. It is not known why ^{the} Respondent No.4 wanted ^{to} be impleaded. In any case as it was decided to implead him after hearing both sides, ^{the} we have heard the submission of Respondent No.4 also.

8. The main contention of Respondent No.4 is that there are four posts of Supdts. which are vacant and his case should also be considered along with others for promotion to that post and that keeping these posts vacant is against to rules.

9. This O.A. is not meant for the contentions as raised above. The O.A. is mainly meant for repatriation of the applicant to the respondents organisation and for further consideration of his promotion. If the post of Supdt., (Audit & Accts.) has been filled incorrectly, it is for the Respondent No.4 to challenge the same in accordance with the rules. We do not pass any orders in this regard. As regards his eligibility for promotion, the department has rules in this regard which will be followed. If the Respondent No.4 is aggrieved by not promoting him and promoting of others, he is at liberty to challenge the same in accordance with the rules.

10. With the above direction, the O.A. is disposed of. No costs.


B.S. JAI PARAMESHWAR
Member (J) 30/3/98


(R.R. ANGARAJAN)
Member (A)

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Dt.30-3-98 (Dictated in open court).

OA.945/95

Copy to:-

1. The Director, Central Research Institute for Dryland Agriculture, Santoshnagar, Hyderabad.
2. The Sr. Administrative Officer, Central Research Institute for Dryland Agriculture, Santoshnagar, Hyderabad.
3. The Director General, Indian Council of Agricultural Research, Krishi Bhavan, New Delhi.
4. One copy to Mr. K. Chakravarthy, Advocate, CAT., Hyd.
5. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
6. One copy to BSJP (J), CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

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23/4/98

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II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

DATED: 30/3/98

ORDER/JUDGMENT

M.A/R.A/G.P.NO.

in

O.A.NO. 945/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

व्यवसायिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH
20 APR 1998
Dispatch
RECEIVED
सहायक निमित्त/TA/PAL SECTION

YLKR

Co Sec
M. J. for Approval
of Mm(A) & 1/2 re.
1/2 re.