

49

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A.No.917/97

Date of Order : 2.8.99

BETWEEN:

B.Gandhi .. Applicant.

AND

1. The Zonal Coordinator,
Zone-V of ToT Projects ICAR,
CRIDA Building Complex,
Santoshnagar, Hyderabad.
2. The Director General,
Indian Council of Agril.Research,
Krishi Bhavan,
New Delhi.
3. Secretary, Indian Council of Agril. Research,
Krishi Bhavan, New Delhi.
4. Dy.Director General(Extn),
Indian Council of Agril. Research,
Krishi Bhavan, New Delhi.
5. Director (Personnel),
Indian Council of Agril. Research,
Krishi Bhavan, New Delhi.
6. The Director,
National Academy of Agril. Research &
Management (NAARM), Rajendra Nagar,
Hyderabad.
7. Project Director,
Directorate of Oilseeds Research,
Rajendranagar, Hyderabad.
8. Sri K.Srinivasa Rao,Supdt.(A&A),
Zone-V of ToT Projects ICAR,
CRIDA building Complex,
Santoshnagar, Hyderabad.
9. Secretary (staff side), ICAR-CJSC,
Central Instt. of Fisheries Technology,
Matsyapuri, Willingdon P.O.,
Cochin - 682 029. .. Resopondents.

Counsel for the Applicant .. Mr.B.Gandhi

(Party-in-Person)

Counsel for the Respondents .. Mr.N.R.Devraj

CORAM :

HON'BLE SHRI R.RANGARAJAN: MEMBER(ADMN.)

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

72

O R D E R

((As per Hon'ble Shri R.Rangarajan,Member(Admn)))

Mr.B.Gandhi, party-in-person and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant in this OA is a Superintendent in CRIDA. He submits that he had submitted a representation to R-1 organisation for considering him for the post of Superintendent (A&A) in response to the notification. But his case was not considered and R-8 was appointed. Subsequently the service of R-8 was also regularised by the impugned order dated 15.5.97 (A-1).

3. This OA is filed to quash the impugned order dated 15.5.97 and for a consequential direction to finalise the pending applications including that of the applicant herein to the post of Superintendent (A&A) under R-1 office within a stipulated prescribed time limit. He also prays for a declaration that the post of Superintendent (A&A) is a promotional post to the post of Superintendent even though both are in the same scale of pay.

4. A ^e reply has been filed in this OA. The main contentions ^u of the reply are as follows:-

(1) The notification to the post of Assistant Finance & Accounts Officer and for the post of Superintendent (A&A) was issued and those who ^{were} ~~are~~

eligible ^{would} ~~will~~ be considered in accordance with the rules. The application of the applicant for the post of Superintendent (A&A) under R-1 was not received within the stipulated last date i.e. 24.6.95.

(2) The case of the applicant in OA.735/96 was disposed of on the ground that the applicant had not made out a legal ground to direct his appointment. That holds good in this OA also.

(3) The averment of the applicant that he had submitted a representation dated 23.11.96 to communicate the results in terms of the observations of this Tribunal in the judgement dated 21.6.96 it was submitted that the same was not received by the R-1 unit.

(4) As per the direction in MA.430/97 in OA.735/96 the applicant was asked by R-1 to submit a copy of the representation so that the same can be examined and a suitable reply may be given to him on that basis. But no representation was submitted by him.

5. In view of the above the OA is liable to be dismissed.

6. The applicant submits that he has submitted his application well before the time for the post of Superintendent (A&A) and that was not forwarded. He had filed some additional documents. A perusal of the additional documents indicate that there is no proof to contend so by the applicant. Though the applicant

.. 4 ..

strenuously argued that he did apply in time he has produced not ~~got~~ any acknowledgement ~~of~~ having submitted in time. In the face of it it cannot be said that the applicant had submitted a representation intime for forwarding it to R-1 unit for cosidering him to the post of Superintendent (A&A).

7. The applicant submitted that he filed O.A.735/96 for similar relief for direction for his appointment in the post of Superintendent (A&A)/Accounts in ICAR/Research Institute/Project/Zones. That OA was disposed of by order dated 21.6.96 (A-12). That OA was rejected. Hence the pleadings in that case which are ~~same~~ more or less in the present case was not accepted by this Tribunal in the earlier OA. Hence ~~on~~ the same pleadings may not be given ~~to~~ the applicant any benefit as the similar pleadings are rejected by this Tribunal in another similar OA.

8. The applicant submitted MA.430/97 in OA.735/96 for a direction to the respondents to take a decision in regard to his representation. He states that it was submitted on 23.11.96. Once again it has to be stated that the applicant has not produced any document or proof of having submitted to the authorities and got acknowledgement of having done so. As no representation was received by the respondent this submission cannot be gone into further.

R

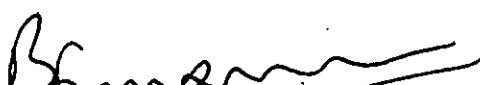
L

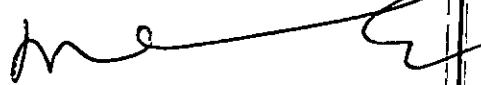
.. 5 ..

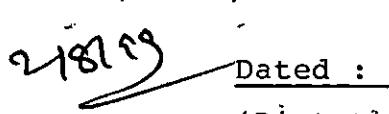
.. 5 ..

9. The respondents submit the applicant is an employee of CRIDA working as Superintendent of Project Directorate Poultry, Rajendranagar at the time when he reported to have submitted his request for the post of Superintendent (A&A) in the R-1 unit. The applicant has no vested right that his application should be transmitted, it depends on the organisation ⁱⁿ which he is working to take a decision even if it is received in ^{they have} time, ~~has~~ every right to reject his case on valid grounds. The applicant has not stated any valid reasons to come to the conclusion that he submitted his representation intime. The only point is whether the applicant is entitled for consideration of that post if ^{AS.} he is otherwise fulfilling the conditions. From the previous OA.735/96 was rejected we are of the opinion that there may be reasons in not considering his case also. But no definite conclusion can be drawn in this connection also as the applicant has not made out a strong case.

10. Hence we find no merit in this OA and the OA is dismissed. No costs.


(B.S.JAI PARAMESHWAR)
Member (Judl.)


(R.RANGARAJAN)
Member (Admn)


218119 Dated : 2nd August, 1999
(Dictated in Open Court)

sd

1st AND II nd COURT

COPY TO:-

1. HDHND
2. HRRN M (A)
3. HSSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN
THE HON'BLE MR.R. RANGARAJAN:
MEMBER (ADMN)

THE HON'BLE MR.B.S. JAI PARAMESHWAR
MEMBER (JUDL)

26/8/99.

ORDER DATE: 21/8/99

MA/RA/CP. NO
IN
OA. NO. 917/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

(12 copies)

R.A. CLOSED

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

