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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A.No. 375/01

R.A/C.P.No.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

APPLICATION NO.

375/2001

Applicant (S)

S. Malik
S.K. Sharma

Respondant (S)

U.O.I. QOM

Advocate for the Applicant:

Mr. K.P. Pathak, S.K. Sharma, R. Prasad.

Advocate for the Respondant:

C.G.S.C.

Notes of the Registry

Date

Order of the Tribunal

This application is in form
but not in time. Condonation
Petition is filed. Not filed vide
M.P. No. 501/1999 C.F.
for Rs. 501 deposited vide
IPO/BO No. 64788/297
Dated 17-9-2001
Dy. Registrar.

17.9.01

Heard Mr. K.P. Pathak, learned counsel for the
applicant and Mr. A. Deb Roy, learned Sr. C.G.S.C.
for the respondents.

The application is admitted, call for the
records.

Issue notice on the respondents to show cause
as to why the interim order shall not be granted
as prayed for, returnable by two weeks.

In the meantime, the respondents may proceed
with the process of selection to the post of
Senior Scientist (Animal Genetics and Breeding),
Central Avian Research Institute, Izatnagar,
pursuant to the advertisement No. 3(18)/2000-
Recd. 1 (Item No. 56) dated 27.1.2001, but shall
not finalise the same till the returnable date
list on 1.10.2001 for order.

Member

Vice-Chairman

1.10.01

List on 20/11/01 to enable the respon-
dents to file written statement.

Vice-Chairman

mb

No. written statement has
been filed.

24/11/01

Steps taken
against envelopes.

Notice prepared and sent to
D/S for issuing the respondents
No 1 to 3 by Regd A/D.

19/9/01

D/No 3573/3575
20/9/01

20.11.01 List on 20/12/01 to enable the respondents to file written statement. Interim order dated 17.9.01 shall continue.

Order dtd 20/11/01
Communicated to the parties
Combs - 21/11/01

K. Ushay
Member

Vice-Chairman

mb

No. written statement
has been filed

20.12.01 Written statement has been filed. Mr. A. Deb Roy, learned Sr. C.G.S.C. stated that the written statement of this O.A. shall rely upon in O.A. No. 450/2001 also. List the matter on 29.1.2002 for hearing.

The applicant may file rejoinder, if any, within 2 weeks from today.

K. Ushay
Member

Vice-Chairman

mb

29.1.02 Pass over for the day. List on 30.1.2002 for hearing.

21.12.2001

W/S. Submitted.

by the Respondents.

K. Ushay
Member

Vice-Chairman

mb

30.1.02 List the matter again on 14.2.2002 for hearing.

W/S has been filed.

K. Ushay
Member

Vice-Chairman

13.2.02

trd

14.2.02

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court. Kept in separate sheets.

14.2.2002

Copy of the judgment

14.2.02

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court. Kept in separate sheets. Application is allowed in terms of the order. No costs.

K. Ushay
Member

Vice-Chairman

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IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM; NAGALAND; MEGHALAYA; MANIPUR; TRIPURA;
MIZORAM AND ARUNACHAL PRADESH)

1) WP(C) NO.5388/2002

1. Director General,
Indian Council of Agricultural Research,
Krishi Bhawan, New Delhi.
2. The Chairman,
Agricultural Scientist Recruitment Board,
Krishi Anushandhan Bhawan, Pusa, New Delhi.

..... . Petitioners.

Vs

Shri Suresh Malik,
Son of Sri Giyan Singh,
Assistant Professor,
Department of Animal Breeding (Genetic),
College of Veterinary Science,
Seleish, Aizawl, Mizoram.

..... . Respondent.

2) WP(C) NO.5389/2002.

1. The Director General,
Indian Council of Agricultural Research,
Krishi Bhawan, New Delhi.
2. The Chairman,
Agricultural Scientist Recruitment Board,
Krishi Anushandhan Bhawan, Pusa, New Delhi.

..... . Petitioners.

Vs

Shri Suresh Malik,
Son of Sri Giyan Singh,
Assistant Professor,
Department of Animal Breeding Genetics,
College of Veterinary Science,
Seleish, Aizawl, Mizoram.

..... . Respondent.

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. MADAN B. LOKUR
THE HON'BLE MR.JUSTICE H. BARUAH.**

For the Petitioners : Mr. D. Mazumdar,
Mr. S. Saikia,
Mr. R. Sarma,
.....Advocates.

For the respondent : Mr. U. Bhuyan,
Mr. A. Hazarika,
Ms. D. Deka
.....Advocates.

Dates of hearing: : 13.06.2011

Date of Judgment & Order : 13.06.2011

Judgment and order (oral)

(Madan B. Lokur, C.J)

The petitioner is aggrieved by the Judgment and Order dated 14-02-2002 passed by the Central Administrative Tribunal, Guwahati Bench (for short the Tribunal) in Original Application No. 375 of 2001. On the same day the Tribunal passed another order in Original Application No. 450 of 2001 following the earlier order. The petitioner is aggrieved by the second order also.

2. The petitioner, that is, the Indian Council of Agricultural Research (for short ICAR) issued 3 (three) advertisements in April, 2001 for appointment to the post of Senior Scientist. The first advertisement was for Senior Scientist (Biotechnology), Hyderabad; the second advertisement was for Senior Scientist (Animal Genetics & Breeding), Bikaner and the third advertisement was for Senior Scientist (Animal Genetics and Breeding), Izatnagar.

3. The essential qualifications for all these posts were as follows:

"QUALIFICATIONS:

a) ESSENTIAL:

- i) *Doctoral degree in Animal Breeding.*
- ii) *5 (five) years experience (excluding the period spent in obtaining the Ph.D degree, during service, subject to maximum of 3 years) in research/teaching/extension education as a Scientist (Rs. 8000-13,500) or in an equivalent position in the relevant subject.*
- iii) *Evidence of contribution to Research/Teaching/Extension Education as supported by published work/innovations.*
- iv) *Specialization and experience in livestock production"*

4. In response to the advertisements, the respondent submitted his application. In the application, the respondent stated that he had the requisite qualification for appointment and gave details of his experience as follows:

"10. Details of Experience:

<i>Post held</i>	<i>Basic pay</i>	<i>Period</i>	<i>Nature of duties</i>	<i>Employer</i>
<i>Assistant Professor</i>	<i>Rs.8,550/- + Allowances</i>	<i>Contd. From 4th Feb.1999</i>	<i>Teaching & Research</i>	<i>Central Agri. University, Imphal</i>
<i>Research Associate</i>	<i>Rs.10,500/- + HRA(Consolidated)</i>	<i>30th May,95 to 1st Feb.'99</i>	<i>Research & Teaching</i>	<i>C.A.R.I. Izatnagar (Bareilly)</i>
<i>Graduate research Asstt.</i>	<i>Rs.450/-(Fixed)</i>	<i>15 Yrs.</i>	<i>Research work</i>	<i>G.B.P.U.A&T Pantnagar</i>

5. The ICAR did not respond to the application of the respondent. The respondent therefore made inquiries some time in July 2001 when he was told that since he did not meet the experience criteria, his application was not considered.

6. In view of the non-consideration of his application, the respondent approached the Central Avian Research Institute (his employer) for an experience certificate. The certificate dated 21-8-2001 issued to the respondent by the Central Avian Research Institute is as follows:

"TO WHOM IT MAY CONCERN"

This is to certify that Dr. S. Malik has served at this Institute on the post of Research Associate in projects as per details given below.

1. *Adhoc Research Project entitled "Genetic Characterization of Indigenous Poultry Germ Plasm" in the pay scale of Rs.3300-100-3800+H.R.A. w.e.f. 30.5.95 to 11.3.97 revised w.e.f. 28.3.96 in the pay scale of 3750-125-4375+H.R.A.*
2. *Research Project entitled "Development and Breeding of Synthetic Broiler Strain" in the pay scale of Rs.3750-125-4375+H.R.A. w.e.f. 12.3.97 to 1.2.99 with two advance increments i.e. Rs.4000/- per month revised w.e.f. 1.4.98 Rs.10,5000+H.R.A.(consolidated).*

During the above periods his work and conduct have been found excellent."

7. At this stage, it is necessary to mention that the Central Avian Research Institute is a unit of the ICAR and the contents of the certificate are not in dispute.

8. From a perusal of the aforesaid certificate, it is clear that the respondent worked on the post of Research Associate, which carried a pay scale of Rs. 3300-3800 plus H.R.A with effect from 30-5-1995 to 11-3-1997. The pay was subsequently revised with effect from 28-3-1996 to Rs. 3750-4375 plus H.R.A. The respondent also worked as a Research Associate in another Research Project for the period from 12-3-1997 to 1-2-1999. In the second research project, the respondent was in the pay scale of Rs. 3750-4375 plus H.R.A along with two advance increments. The pay of the respondent was revised from 1-4-1998 to Rs. 10,500/- (consolidated) plus H.R.A.

9. Learned counsel for the respondent submits that the respondent worked on the post of Research Associate for period of almost 4 (four) years and that he was drawing a salary of Rs. 10,500/-. As such, even though he may not

have worked as a Scientist in the pay scale of Rs. 8000-13,500/- he certainly worked in an equivalent position.

10. On the basis of the experience certificate dated 21.08.2001 issued by the Central Avian Research Institute, the respondent approached the Tribunal contending that he had the requisite essential qualification for selection to the post of Senior Scientist.

11. The Tribunal entertained the application of the respondent and by the impugned orders aforesaid it was held that the respondent had worked in the post of Research Associate for about 4 (four) years and thereafter as an Assistant Professor and thus completed the 5 (five) years experience required in terms of the three advertisements issued by the ICAR.

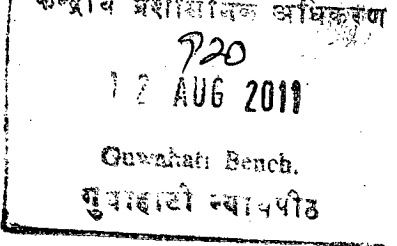
12. Feeling aggrieved, the ICAR has preferred these two writ petitions. Both the writ petitions were earlier taken up for consideration by a Division Bench of this Court on 6-9-2002 and dismissed. The ICAR then approached the Supreme Court and by an order dated 26-11-2009, the Supreme Court directed that the matter be heard afresh since no reasons were given for the dismissal order. That is how the matter is now before us.

13. The issue raised by the ICAR is that the respondent was ineligible because he did not at all hold the post of Scientist in the pay scale of Rs. 8000-13,500/-. Unfortunately what has been overlooked by the ICAR is that the respondent held an equivalent position and by virtue of holding an equivalent position, the respondent was eligible for being considered for selection against all the three advertisements.

14. To show equivalence between the post of Scientist and Research Associate, the respondent has filed before us a statement, which has not been controverted by the ICAR, and as per that statement, the post of Scientist and Research Associate are comparable. The statement is as follows:

	Scientist	Research Associate
4 th Pay Commission	Rs. 2,200-4,000/-	Rs. 3300-100-3800 (Master's Degree) Rs. 3750-125-4375/- (Ph. D. Degree)
5 th Pay Commission	Rs. 8,000-13,500/-	Rs. 10,500/- Revised to Rs. 18,000/-
6 th Pay Commission	Rs. 15,600-39100/- G. P. Rs. 6,000/-	Rs. 23,000/- (Master's degree) Rs. 24,000 (Ph.D degree)

15. A perusal of the aforesaid statement shows that in terms of the report of the 5th Pay Commission a Research Associate getting a salary of Rs. 10,500/- (as in the case of the respondent) is equivalent to a Scientist in the pay scale of Rs. 8000-13500/-. The aforesaid chart also shows that under the 4th Pay Commission report a Research Associate in the pay scale of Rs. 3300-3800/- and Rs. 3750-4375/- is equivalent to Scientist in the pay scale of Rs. 2200-4000/-. The pay scale of a Scientist of Rs. 2200-4000/- was revised to Rs. 8000-13,500/- in the 5th Pay Commission. Similarly, the pay scale of Research Associate was revised from Rs. 3300-3800/3750-4375/- to Rs. 10,500/- in the 5th Pay Commission report. It is therefore quite clear that at all stages a Research Associate holds a position equivalent to a Scientist, although the pay scale may be different.



16. Under the circumstances, the ICAR is incorrect in contending that the respondent was ineligible for being considered for appointment to the post of Senior Scientist. The respondent held a position equivalent to that of a Scientist in the pay scale of Rs. 8000-13,500/- and was, therefore, entitled to be considered for appointment as a Senior Scientist.

17. We do not find any error in the view been taken by the Tribunal.

18. There is no merit in both the writ petitions. They are accordingly dismissed.

Sd/- H. BARUAH
JUDGE

Sd/- MADAN B. LOKUR
CHIEF JUSTICE

Memo No. HC.XXI..... 20, 167..... 65..... R.M.Dtd..... 1-8-11.....

Copy forwarded for information and necessary action to: -

1. The Director General, Indian Council of Agricultural Reserch Krishi Bhawan, New Delhi.
2. The Chairman, Agricultural Scientist Recruitment Board, Krishi Anushandhan Bhawan, Pusa, New Delhi.
3. Shri Suresh Malik, S/o Shri Giyan Singh, Assistant Professor, Department of Animal Breeding (Genetic), College of Veterinary Science, Seleish, Aizawl, Mizoram.
4. The Registrar, Central Administrative Tribunal, Guwahati Bench, Rajgarh Road, Guwahati-5, Assam.

By order

[Signature] 30/7/11

Deputy Registrar
Gauhati High Court, Guwahati.

[Signature] 25/7/11

[Signature] 25/7/11

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 375 of 2001.

Date of Decision.....14-2-2002.

Sri Suresh Malik

Petitioner(S)

Sri K.P. Pathak, S.K.Sarma.

Advocate for the
Petitioner(s)

-Versus-

Union of India & Ors.

Respondent(s)

Sri A.Deb Roy, Sr.C.G.S.C.

Advocate for the
Respondent(s)

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble : Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 375 of 2001.

Date of Order : This the 14th Day of February, 2002.

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

The Hon'ble Mr K.K.Sharma, Administrative Member.

Sri Suresh Malik,
Assistant Professor,
Department of Animal Breeding Genetics,
College of Veterinary Sciences, Seleish,
Aizawl, Mizoram. . . Applicant

By Advocate S/Sri K.P.Pathak, S.K.Sarma.

- Versus -

1. Union of India,
represented by the Secretary,
Ministry of Agriculture,
Government of India,
Krishi Bhawan, New Delhi-1.
2. The Director General,
Indian Council of Agricultural Research,
Krishi Bhawan,
New Delhi.
3. The Chairman,
Agricultural Scientist Recruitment Board,
Krishi Anusandhan Bhawan (KAB),
Pusa, New Delhi. . . Respondents.

By Advocate Sri A.Deb Roy, Sr.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C)

Two posts of Senior Scientist (Animal Genetics & Breeding) in the Central Avian Research Institute, Izatnagar was advertised. In the advertisement age was prescribed as well as the qualifications. In the qualification head the following qualifications were prescribed :

- "a) (i) Doctoral degree in Animal Genetics and /or Breeding.
- (ii) 5 (Five) years experience(excluding the period spent in obtaining the Ph.D. degree, during service subject to maximum of 3 years) in research/teaching/extension education as a Scientist (Rs.8000-13500) or in an equivalent position in the relevant subject.

- (iii) Evidence of contribution to Research/Teaching/Extension Education as supported by published work/innovations
- (iv) Specialization/experience in poultry Science."

The applicant who was working as Assistant Professor, in the college of Veterinary Sciences, Central Agricultural University, Selesih, Mizoram submitted his application alongwith a crossed Bank Draft. The Registrar by his communication dated 24.3.2001 forwarded the application of the applicant for the post and also issued no objection certificate. Since the applicant did not receive any and intimation from the respondent No.3 as to date of interview/ on 23.7.2001 the applicant contacted the office and he was informed that the interview was fixed on 30.8.2001 and the process of screening of the candidates was already completed and the name of the applicant had not been included amongst the candidates selected for the interview. The applicant submitted a representation before the Director General, ICAR for reconsideration of his case. In the representation the applicant contended that interview for the post was already conducted in the month of June 2001 and the applicant did not receive any interview letter. He accordingly prayed for getting an interview taking into account his research experience. Failing to get appropriate response the applicant moved this Tribunal by way of this O.A. assailing the legitimacy of the order in not calling him for the interview.

2. In the written statement the respondents stated that the applicant joined as Assistant Professor in the College of Veterinary Sciences, Aizawl in the pay scale of Rs,8000-13500/-. The experience of Research Associate cannot be

equated with the regular service in the pay scale of Rs. 8000-13500/- or Rs.2200-4000 (pre-revised). The applicant as a Research Associate only got some allowances which could not be equated with that of the Scientist. Since the applicant did not have five years experience on the closing date for receipt of applications, he was judged ineligible for issue of interview call letter.


3. There is no dispute that the applicant possessed the necessary doctoral degree in the subject concerned, what is in dispute about his year of experience. The respondents also agreed that the applicant worked as Research Associate in adhoc Research Projects in the pay scale of Rs. 3300-100-3800/- with effect from 30.5.95 to 11.3.97 which was revised to Rs.3750-125-4375 with effect from 28.4.96 and Rs.10500/-+HRA (consolidated) with effect from 1.4.98. The applicant also worked in a research project relating to Development and Breeding of Synthetic Broiler Strain in the pay scale of Rs.3750-125-4375+H.R.A with effect from 12.3.97 to 1.2.99 with two advance increments i.e. Rs.4000/- per month revised with effect from 1.4.1998 Rs.10.500+ H.R.A (Consolidated). As per the qualifications prescribed one was to have a Doctoral degree and 5 years experience in research/teaching/extension. The real emphasis on the quality and subject matter of research and the research work undergone by the applicant on the own showing of the respondents as on 28.3.2001 the applicant possessed the five years experience as a research associate against the research project in the scale of Rs.3750-4375/- with effect from 30.5.95 to 11.3.97 and as Scientist from 4.2.99. The closing date of the application posted from North Eastern Region was on 28.3.2001. Therefore from the own showing of the respondents the applicant completed the necessary 5 years experience.

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Even otherwise what was essential was the experience as a research scholar and not the scale. From the materials on record the applicant also fulfilled the required qualifications. In the set of circumstances we do not find any justification on the part of the respondents to exclude the applicant from the selection process. Mr A. Deb Roy, learned Sr.C.G.S.C stated that interview was already completed but results are not declared. The respondents are directed to take the interview of the applicant also for the post of Senior Scientist and consider his case alongwith other candidates and publish the result thereafter.

The application is allowed to the extent indicated. Till completion of the exercise, as directed, the interim order dated 17.9.2001 shall continue.

There shall, however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
(An application under Section 19 of the Central Administrative
Tribunal Act, 1985.

Title of the Case : O.A. NO. 875 OF 2001

Sri Suresh MalikApplicant.

-VERSUS-

The U.O.I. & orsRespondents.

I N D E X

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For use in Tribunal's Office

Registration NO.

Date of Filing.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
(An application under Section 19 of the Central Administrative Tribunal Act, 1985.)

O.A.NO. 375 OF 2001

BETWEEN

Sri Suresh Malik,
Son of Sri Giyan Singh,
Assistant Professor,
Department of Animal Breeding Genetics,
College of Veterinary Sciences, Seleish,
Aizawl, Mizoram.

...Applicant.

AND

1. The Union of India,
Represented by the Secretary,
Ministry of Agriculture,
Government of India,
Krishi Bhawan, New Delhi-1.
 2. The Director General, Indian Council
of Agricultural Research, Krishi Bhawan,
New Delhi.
 3. The Chairman,
Agricultural Scientist Recruitment Board,
Krishi Anusandhan Bhawan, (KAB),
Pusa, New Delhi.
-Respondents.

DETAILS OF APPLICATION

Contd. ...p/

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Filed by the Applicant
Suresh Malik
Through: Dhruvayoti P
Advocate
17/09/01

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:-

(i) Advertisement dated 27/1/2001 bearing Advt. No. 01/2001, Item No.56 issued under Memo No. F.No.8(10)/2000-Recdt.1 issued by the Agricultural Scientist Recruitment Board inviting applications for the post of Senior Scientist (Animal Genetics and breeding) at Central Avian Research Institute, Izatnagar. (Annexure.2 Page No. /9..)

(ii) Decision of the Respondent No.3 not to accept the application submitted by the applicant for the post of Senior Scientist in response to the aforesaid advertisement.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the instant application for which he wants redressal is well within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION:

The applicant further declares that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE:-

4.1 That the applicant is a citizen of India and presently residing at Aizawl, Mizoram and as such he is entitled to all the rights and protection guaranteed under the Constitution of India and the laws framed thereunder.

4.2 That the applicant after having passed his M.Sc. (Agriculture) in the year 1990 completed his Ph.D. in Animal Breeding from the Indian Veterinary Research Institute in

Contd....p/

Suresh Malik

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1996. In the meantime, the applicant had also qualified in the National Eligibility Test (NET) in Animal Genetics and Breeding in 1994 and also in Bio-Technology (Animal Science) in 1998 conducted by ICAR.

The applicant also attended the 6th World Congress on Genetics Applied to Livestock Production held at Armidale, New South Wales, Australia in January, 1998 and presented a paper and also attended the Course on Animal Breeding and Genetics in the Tropics organised by the University of New England, Australia on Scholarship provided by the World Congress.

The applicant was also awarded the Hari Om Ashram Trust Award, 1997-1998 by the ICAR for a outstanding contribution in the field of Animal Science. Besides, the applicant has received a number of other scholarships and fellowships during his academic and professional career.

The applicant has attended neumerous important seminars/symposia and has also contributed a number of re-search articles which have been published in scientific journals of national and international repute.

Presently, the applicant is working as Assistant Profes-sor, Department of Animal Breeding and Genetics, College of Veterinary Sciences, Central Agricultural University, Sele-sih, Mizoram, in which post he had joined in the year 1999.

A Bio-Data of the applicant detailing the aforesaid par-ticulars is annexed herewith and marked as ANNEXURE-1.

4.3. That the Respondent No.3 issued an advertisement dated 27/1/2001 bearing Advt. No. 01/2001, Item No.56 issued under Memo No. F.No.8(10)/2000-Rectt.1 inviting applications for the post of Senior Scientist (Animal Genetics and breed-

Contd....p/

Suresh Malik

[4]

ing) at Central Avian Research Institute, Izatnagar. The essential qualifications as stated in the advertisement are as follows:

- (i) Doctoral degree in Animal Genetics and/or Breeding.
- (ii) 5(five) years experience (excluding the period spent in obtaining the Ph.D. degree, during service, subject to maximum of 3 years in research/teaching/extension education as a scientist (Rs. 8000-13500) or in an equivalent position in the relevant subject.
- (iii) Evidence of contributing to Research/Teaching /Extension Education as supported by published work/innovations.
- (iv) Specialization/experience in Poltry Science.

A copy of the aforesaid advertisement dated 27/1/2001 is annexed herewith and marked as ANNEXURE-2.

4.4 That the applicant possesses all the aforesaid essential qualifications for being considered for the post of Senior Scientist. It may be stated that the applicant had worked as a Research Associate in the C.A.R.I. for three and half years from May, 1995 to February, 1999 in relevant fields and for two years as Assistant Professor, in the Department of Animal Breeding and Genetics in the Central Agriculture University.

A copy of the Certificate issued by the Administrative Officer, C.A.R.I. dated 21/8/2001 certifying the applicant stint as Research Associate is annexed herewith and marked as ANNEXURE-3.

Contd....p/

Suresh Malik

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4.5 That the applicant states that as the applicant fulfilled all the aforesaid essential requirements, the applicant submitted an advance application for the aforesaid post along with copies of the necessary documents and the requisite fee to the Office of the Respondent No.3 by registered post along with a covering letter dated 17/2/2001. It may be stated that the advertisement itself vide Note(1) provided for submission of advance application if delay is anticipated in submitting the same through proper channel.

A copy of the aforesaid covering letter dated 17/2/2001 is annexed herewith and marked as ANNEXURE-4.

4.6 That thereafter, the Registrar, Central Agricultural University, by covering letter dated 24/3/2001, also forwarded the applicant's application form for the aforesaid post in compliance of the requirement of submitting the same through proper channel.

A copy of the aforesaid covering letter dated 24/3/2001 is annexed herewith and marked as ANNEXURE-5.

4.7 That the applicant states that the applicant did not receive any intimation from the office of the Respondent No.3 as to the date of the interview and therefore, on 23/7/2001, the applicant contacted the said office and was informed that the interview was fixed on 30/8/2001 and also that the process of screening of the candidates was already complete and that the name of the applicant has not been included amongst the candidates selected for the interview.

4.8 That by registered letter dated 25/7/2001, the applicant enquired from the Respondent No.2, as to the reasons for non-inclusion of the applicant's name for the interview. The applicant also stated in the said letter that on earlier occasions also, the applicant was not considered for

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Suresh Malik

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[6]

similar posts and apparently, the reason for the same was that his experience as a Research Associate was not considered. It was also requested of the Respondent No.2 to take necessary action towards consideration of such experience for the purpose of qualification for the aforesaid post.

A copy of the aforesaid letter dated 25/7/2001 is annexed herewith and marked as ANNEXURE-6.

~~4.9~~ That the applicant states that the Respondent No.2 did not respond to the aforesaid letter and the interview was conducted on 30/8/2001 without calling the applicant for the same or officially informing him about the rejection of his application.

4.10 That the applicant states that thereafter the applicant contacted the Secretary, ASRB to enquire about the fate of his application and the applicant was informed that as he did not draw the same scale as that of Scientist (Rs.8000-13,500/=) during his stint as Research Associate, C.A.R.I., the applicant did not meet the required criteria for selection to the post of Senior Scientist and hence, his application was rejected.

4.11 That the applicant states that the post of Research Associate is considered equivalent to the post of Scientist in all organisation like C.S.I.R., I.C.M.R. etc. and the experience gained as Research Associates is considered for appointment to the post of Senior Scientist. The difference in pay is on account of the fact that the post of Scientist is a regular post enjoying a scale (Rs. 8000- 13,500/=) but the post of Research Associates is an adhoc/temporary post attached to Research Project and hence, a consolidated amount is paid. In the case of the applicant, the said pay was Rs. 10,500/= plus house rent allowance and the total emolument of both the post is the same.

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Suresh Malib

4.12 That the applicant states that on earlier occasion, the Respondents have selected many candidates for the post of Senior Scientist who have gained all the relevant experience as Research Associates. A case in point is that of one Dr. A.K.Singh who has been selected in 1998 for the post of Senior Scientist (Bio-Technology/Horticulture) presently working in the Division of Horticulture, I.A.R.I., New Delhi.

4.13 That in view of the fact of the posts of Scientist and Research Associate being equivalent, the experience gained in either of them ought to be counted for the purpose of selection to the post of Senior Scientist and the impugned actions of the Respondents in disregarding the experience gained as Research Associate is arbitrary, unreasonable and violative of the applicant's rights under Article 14 and 16 of the Constitution of India.

4.14 That the view of the authorities that the applicant's pay did not match that of a Scientist is perverse, capricious and no reasonable person could ever come to such a conclusion on the given facts. In that view of the matter, the Respondent Authorities are liable to be directed to consider the case of the applicant and to invite him for interview to the said post and till then, not to make any selection to the aforesaid post.

4.15 That is is respectfully submitted that is is a fit case where this Hon'ble Tribunal may be pleased to interevne in the matter in an appropriate manner and grant the reliefs as prayed for by the applicant. If the same is denied the applicant would suffer irreparble loss and injury.

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Suresh Malik

4.16 That there is no other adequate equally efficacious alternative remedy available and the reliefs sought for, if granted would be just, proper and adequate.

4.17 That the applicant demanded justice and the same was denied to him.

4.18 That this application is filed bonafide and in the interest of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

5.1 For that, the decision of the Respondent No.2 to disregard the experience of the applicant gained while working as Research Associate for the purpose of eligibility for the post of Senior Scientist is most unreasonable and arbitrary and hence liable to be set aside and quashed.

5.2. For that, the decision of the Respondents in holding that the consolidated pay of Rs. 10,500/= plus house rent allowances drawn by the applicant as Research Associate is not equivalent to the scale of Rs. 8,000/= to 13,500/= drawn by the Scientist, even though the total emoluments are the same is most perverse and unreasonable and no reasonable person properly instructed in the laws and the facts could ever come to the aforesaid conclusion.

5.3 For that, the decision of the Respondents not to call the applicant for the interview even though the applicant fulfilled all the eligibility conditions is most unjust, unfair and violative of the Applicant's right to equality of opportunity in the matter of employment under Article 14 and 16 of the Constitution of India.

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5.4. For that, the refusal of the Respondents to call the applicant for the interview is most discriminatory and arbitrary in as much as, the Respondents have in the past considered and selected similarly situated person for the aforesaid post and hence the Respondents are liable to be directed to consider the case of the applicant as well.

5.5. For that, while refusing to call the applicant for interview, the Respondents have taken recourse to irrelevant and most unreasonable criteria and hence, the Respondents are liable to be directed to hold another interview for the applicant before making any final decision.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that he has exhausted all the remedies available to him and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

The applicant further states that no application, writ petition or suit regarding the grievances made in this instant application is pending before any Court or any other bench of this Hon'ble Tribunal.

8. RELIEFS SOUGHT FOR:

Under the facts and circumstances stated above, it is most respectfully prayed that your Lordships would be pleased to admit this petition, call for the records and upon hearing the parties and on perusal of the records be pleased to grant the following reliefs :

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(i) A direction to the Respondent No. 2 and 3 to hold an interview for the applicant for the post of Senior Scientist (Animal Genetics and Breeding), Central Avian Research Institute, Izatnagar, pursuant to the Advertisement under F.No.8(10)/2000-Rectt.1(Item No.56) published on 27/1/2001 and till then, not to make any final selection for the said post.

ii. A direction to the Respondents to consider the applicant for appointment to the post of Senior Scientist (Animal Genetics and Breeding), Central Avian Research Institute, Izatnagar,

(iii) cost of the application.

(iv) Any other relief/reliefs that the applicant is entitled to in the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application, it is further prayed that the Hon'ble Tribunal may be pleased to restrain the Respondents from making the final selection to the post of Senior Scientist (Animal Genetics and Breeding), Central Avian Research Institute, Izatnagar, pursuant to the interview held on 30/8/2001 for the said posts pursuant to the Advertisement under F.No.8(10)/2000-Rectt.1(Item No.56) published on 27/1/2001. ✓✓

10.

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O.:

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Suresh Malik

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(i) I.P.O. NO. : 69788297

(ii) Date : 17.9.2001

(iii) Payable at : Guwahati. GPO

12. List of Enclosures:

As stated in the Index.

VERIFICATION.

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Suresh Malik

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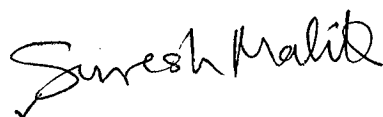
[12]

V E R I F I C A T I O N .

I, Sri Suresh Malik, Son of Sri Giyan Singh, Assistant Professor, Department of Animal Breeding Genetics, College of Veterinary Sciences, Seleish, District : Aizawl, Mizoram aged about .40 years, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs ...1.to12..... are true to my knowledge and those made in paragraphsXX.X..... being matter of records are true to my information.

I have not suppressed any material fact.

And I sign this verification on this 1.7 th day of September, 2001 at Guwahati.



Dr. Suresh Malik

APPLICANT'S BIODATA

1. Name : DR. SURESH MALIK
2. Father's Name : Shri Giyan Singh
3. Date of birth : 11.10.1962
4. Post applied for : _____
5. Minimum pay scale : _____
6. Address : Assistant Professor
Dept. of Animal Breeding & Genetics
College of Veterinary Sciences.
Seleish (Aizwal) Mizoram
Phone No: (0389)-361990 ®
-361324 (O)
Fax No.: (0389)-361748
e-mail: sk1malik@yahoo.co.in

7. Educational Qualification:

Examination	Discipline	Div.	Percentage /(OGPA)	Year of passing	Board/ University
High School	Science	II	55.4	1978	U.P. Board, Allahabad
Agriculture & Ext. Dip.	Ag. & Ext.	I	64.9	1982	Ag. & Ext. Dip. Board, Lucknow
Intermediate	Agri.	I	73.8	1984	U.P. Board, Allahabad
B.Sc.(Ag) Hons.	Agri.	I	68.21	1987	Meerut Univ. Meerut
M.Sc.(Ag)	Animal Breeding	I	82.245/ (4.483)	1990	G.B.P.U.A.&T. Pantnagar
Ph.D.	Animal Breeding	I	80.86 (8.086)	1996	I.V.R.I., Izatnagar

8. Qualified "National Eligibility Test"(NET) in Animal Genetics & Breeding in 1994 and in Bio-Technology (Animal Science) in 1998 conducted by ICAR (ASRB), New Delhi.

Handwritten signature and initials:
M. Suresh Malik
J. B. Singh
B. D. Singh

9. Fellowships and Awards : :

- i. Hari Om Ashram Trust Award 1997-98 for outstanding contribution in the field of Animal Science conferred by Indian Council of Agricultural Research, New Delhi.
- ii. Travel scholarship to present the paper in "6th World Congress on Genetics Applied to Livestock Production", Univ. of New England, Armidale (Australia), 11-16 Jan. 1998.
- iii. Scholarship to attend the course entitled "Animal Breeding and Genetics for the Tropics." from 19-23 Jan. 1988, Organized by Centre for Training in International Agriculture and Div. of Animal Science, Univ. of New England, Armidale (Australia).
- iv. IVRI (ICAR) Senior Research Fellowship during Ph.D.
- v. Graduate Research Assistant during M.Sc.(Ag)
- vi. Bursary Scholarship during B.Sc.(Ag) Hons.

10. Details of Experience:

Post held	Basic pay	Period	Nature of duties	Employer
Assistant Professor	Rs. 8,550/- + Allowances	Contd. From 4 th Feb. 1999	Teaching & Research	Central Agri. University, Imphal
Research Associate	Rs. 10,500/- + HRA (Consolidated)	30 th May '95 to 1 st Feb. '99	Research & Teaching	C.A.R.I. Izatnagar (Bareilly)
Graduate Research Asstt.	Rs. 450/- (Fixed)	1.5 Yrs.	Research work	G.B.P.U.A.&T. Pantnagar

11. Have you visited abroad : Yes

Presented the paper in "6th World Congress on Genetics Applied to Livestock Production" from 11-16 Jan. 1988 and attended the course entitled "Animal Breeding and Genetics for the tropics." from 19-23 Jan. 1988, Univ. of New England, Armidale (Australia).

12. Other Professional Qualifications :

- i. Attended the course entitled "Animal Breeding and Genetics for the Tropics." from 19-23 Jan. 1988. Organized by Centre for Training in International Agriculture and Div. of Animal Science, Univ. of New England, Armidale (Australia).
- ii. Passed "Certificate in Computer Application" from Can Computer School, Bareilly, launched by U.I.C. (University of Delhi).

13. Administrative Experience :

Successfully working as a first Hostel Warden of boys and girls of College of Veterinary Sciences, Selesih (Aizawl) from March, 1999 established rule and regulations in both the Hostels of this College located in the difficult N.E. region of the country.

14. Conferences & symposia attended:

- i. 6th World conference on Genetics Applied to Livestock Production, 11 – 16 Jan. 1988, Univ. of New England, Armidale (Australia).
- ii. Second Annual National Convention and Symposium on DNA Technologies: Forensic and other Applications, 23 – 24 Feb. 1998, C.C.M.B., Hyderabad, India.
- iii. III International Conference on DNA fingerprinting, December 13-16, 1994, C.C.M.B., Hyderabad, India.
- iv. National Seminar on Animal Genetics & Breeding, Research and Education, Present status and Future Thrust, 12 – 13 October, 1992, IVRI, Izatnagar.

15. Extra curricular activities:

- Participated in All India Inter Varsity Wrestling Championship held at H.A.U. Hisar in 1989.
- Passed N.C.C 'C' certificate & attended 3 annual training camps.
- N.S.S., one year & attended one camp.
- Captain of Kabbadi & Wrestling and participated in various games in IVRI and CARI Izatnagar.

16. Contribution in the field of specialization:

a. Details of Post Graduate work:

Ph.D. thesis entitled "A study on polymorphism of milk casein genes in cattle and buffaloes".

I have done prime work on milk casein genes by DNA technologies. In this project genomic DNA of different animals (Cattle & Buffaloes) were isolated. DNA fragments of Beta and kappa casein genes were amplified using PCR and hybridized by synthetic oligonucleotide probes. The oligonucleotide primers and probes were designed from published sequence of both the milk casein genes and used successfully for the identification of different milk casein alleles in Sahiwal and Crossbred cattle and Murrah buffaloes. The gene and genotype frequencies of these alleles were estimated.

b. As a Research Associate, I have done following significant work:

Project title: "*Development and breeding of synthetic broiler strains for economic efficiency by using different scientific approaches*".

- The outstanding scientific highlight of the project has been the production of different broiler stocks with excellent performance in various R.S.B.T. tests at Bangalore, Gurgaon, Bhubaneswar and Mumbai in the year 1998-99. The average body weight of CARIBRO, entry was 1695g at 6-wks and 2127g at 7-wks of age with excellent feed efficiency, dressing percentage and livability, at Hessarghatta and Bangalore. Further, the CARIBRO-Naked Neck and CARIBRO-91 also recorded outstanding performance in RSBT held at Gurgaon and Mumbai.
- Two Naked-neck populations (NNWP and NNCP) exhibited improved performance in pure and crossbred progeny.
- The research work on Ex-vivo Embryo Culture System was also standardized for culture of blastodermal embryos of laid eggs from 1 day to 18th day of incubation. These exciting developments in embryo culture will help to improve the long-term survivability of embryo and hatchability in Ex-Vivo culture system in the creation of transgenic chicken.
- For this work I have been given "Hari Om Ashram Trust Award" along with my project leader and Director, CARI, Izatnagar for the biennium 1997-98.

Annex. - IPublications

A. **Book:** Dissertation Abstract of Master's and Doctor of Philosophy in Animal Genetics and Breeding (1950-98) by Bharat Bhushan, S.P.S. Ahlawat and S. Malik

B. Research paper:

- i. **Malik, S.,** Varma, S.K. and Gupta, U.D. (1991). Genetic association of growth, production and feed efficiency traits in IWH strain of white leghorn. *Indian J. Ani. Sci.* **61(2)**. 215-217.
- ii. **Malik, S.,** Sidhu, N.S., Kumar, S., Kumar, A. and Rani, R. (1997). Kappa Casein alleles in zebu and crossbred (1/2 Friesian. 1/4 Jersey. 1/4 Haryana) cattle from India using Polymerase Chain Reaction and Sequence Specific Oligonucleotide Probes (PCR-SSOP). *Genetic Analysis: Biomolecular Engineering*. **14**: 61 - 63.
- iii. Singh, K.P., Ahlawat, S.P.S. and **Malik, S.** (1997). A study on weaning and postweaning body weights and daily weight gain in Landrace pigs. *Indian J. Anim. Res.* **31**: 124 -128.
- iv. **Malik, S.,** Sidhu, N.S., Singh, B.P., Singh, S. and Rani, R. (1998). A study on Beta and Kappa Casein alleles in zebu and crossbred cattle using Polymerase Chain Reaction and Sequence Specific Oligonucleotide Probe (PCR-SSOP). In: Pro. 6th World Congress on Genetics applied to Livestock Production. UNE, Armidale (Australia). Vol. **26**:381-384.
- v. Singh, B., Chaudhuri, D., Chandra, P., **Malik, S.** and Singh, B.P. (1998) Effects of Naked neck gene on broiler performance of two populations in tropical climate. In: Pro. 6th World Congress on Genetics applied to Livestock Production. UNE, Armidale (Australia). Vol. **24**:361-364.
- vi. Singh, K.P., Ahlawat, S.P.S., Kumar, S. and **Malik, S.** (1998). Optimum slaughter age in Landrace and Large White York Shire breeds of swine. *Indian J. Anim. Res.* **32(2)** : 97-101.
- vii. Singh, S., Singh, R.V., Singh, B.P. and **Malik, S.** (1998). Inheritance of growth and conformation traits in broiler chickens. *Indian J. Poultry Sci.* . Vol. **33**:74-76.
- viii. Singh, S., Singh, R.V., Singh, B.P. and **Malik, S.** (1998). Construction of multitrait selection indices from sire line of broilers. *Indian J. Poult. Sci.* Vol.**33**: 77-80.
- ix. Singh, B.P., Dev Roy, A.K., **Malik, S.,** Narayan, R., Nath, M., Singh, B., Singh, D. and Singh, R.V. (1998) Predicted and realised responses in growth and index sub-populations of broiler sire line. In: Pro. 10th European Poultry Conference, Jerusalem, Israel. Vol. **I**: 263-266.
- x. Singh, B.P., Dev Roy, A.K., Choudhuri, D., **Malik, S.,** Singh, B., Nath, M. and Singh, R.V. (1998) Synthesis of specialised multicoloured broiler male and female strains in tropical climate. In: Pro. 10th European Poultry Conference, Jerusalem, Israel. Vol. **II**: 563-565.
- xi. Dev Roy, A.K., Singh, B.P., **Malik, S.,** Singh, B., Sharma, D. and Singh, R.V. (1998) Evaluation of genetic stability of CARI random bred control population of meat type chicken. In: Pro. 10th European Poultry Conference, Jerusalem, Israel. Vol. **I**: 203-205.
- xii. Dev Roy, A.K., Singh, B.P., **Malik, S.,** Sharma, D., Singh, B. and Singh, R.V. (1998) Development of synthetic broiler dam population in hot climate. In: Pro. 10th European Poultry Conference, Jerusalem, Israel. Vol. **II**: 516-519.
- xiii. Narayan, R., Singh, B.P., Yadav, M.C., Singh, R.V., Singh, B. and **Malik, S.** (1998) Evaluation of crossbreeding parameters for juvenile body weights of Japanese quail by using different diallel models in hot climate. In: Pro. 10th European Poultry Conference, Jerusalem, Israel. Vol. **II**: 551-554.

- xiv. Khanna, S., Chaudhuri, D., Singh, B.P., Dev Roy, A.K., Singh, S., Malik, S., Singh, B. and Sharma, F. (1998). Effect of naked neck gene on fertility, embryonic development and hatchability of two broiler populations. In: Pro. 10th European Poultry Conference, Jerusalem, Israel. Vol. II: 531-532.
- xv. Singh, B.P., Dev Roy, A.K., Singh, B., Malik, S., Singh, S., Chaudhuri, D. and Singh, R.V. (1998). Realised direct and correlated responses in growth and index sub-populations of broiler male line. In: Pro. 6th Asian Pacific Poultry Congress. Nagoya, Japan. 4 - 7 June, 1998. P. 264-265.
- xvi. Singh, B.P., Dev Roy, A.K., Singh, B., Malik, S., Singh, S. and Singh, R.V. (1998). Development of specialised broiler male and female populations in tropical climate. In: Pro. 6th Asian Pacific Poultry Congress. Nagoya, Japan, 4 - 7 June, 1998. P. 262-263.
- xvii. Dev Roy, A.K., Singh, B.P., Chaudhuri, D., Malik, S., Singh, B. and Singh, R.V. (1998). Evaluation of pure and cross-bred broilers for economic traits from a partial diallel cross. In: Pro. 6th Asian Pacific Poultry Congress. Nagoya, Japan. 4 - 7 June, 1998. P. 266-267.
- xviii. Narayan, R., Singh, B.P., Yadav, M.C., Singh, R.V., Malik, S., Chaudhuri, D. and Singh, B. (1998). Heterosis in economic traits in Japanese quail. In: Pro. 6th Asian Pacific Poultry Congress. Nagoya, Japan. 4 - 7 June, 1998. P. 252-253.
- xix. Narayan, R., Singh, B.P., Yadav, M.C., Agarwal, S.K., Malik, S., Singh, B. and Bist, G.S. (1998). Combining ability of important economic traits in broiler Japanese quail under tropical environment. In: Pro. 6th Asian Pacific Poultry Congress. Nagoya, Japan. 4 - 7 June, 1998. P. 276-277.
- xx. Tyagi, P.K., Tyagi, P.K., Verma, S.V.S., Singh, B.P., Narayan, R. and Malik, S. (1998). Effect of supplemental phytase on performance and phosphorus utilization of growing Japanese quails (*Coturnix coturnix japonica*). In: Pro. 6th Asian Pacific Poultry Congress. Nagoya, Japan. 4 - 7 June, 1998. P. 414-415.
- xxi. Singh, K.P., Ahlawat, S.P.S. and Malik, S. (1999). Factors affecting pre-weaning and post-weaning average daily gain in Large White York Shire pigs. *Indian Vet. J.* **76** : 326-329.
- xxii. Singh, K.P., Ahlawat, S.P.S. and Malik, S. (2000). Direct and Correlated response to selection in Landrace pigs. *Indian J. Ani. Sci.* **70** (6).
- xxiii. Malik, S., Kumar, S. and Rani, R. (2000). k-casein and (-casein alleles in cross-bred and Zebu cattle from India using the polymerase chain reaction and sequence specific oligonucleotide probes (PCR-SSOP). *J. Dairy Res.* **67**.

C. Review paper:

- i. Singh, B., Singh, B.P., Singh, S., Chaudhuri, D. and Malik, S. (1998). Naked Neck: A noble gene for broiler production in tropical climate. *J. Applied Ani. Res.* Vol. **13** (1): 37-48.
- ii. Malik, S. and Sidhu, N.S. (1994). Dairy cattle breeding policies and research in India. *New Agriculturist*. Vol. **5**(2): 233-238.
- iii. Malik, S. and Sidhu, N.S. (1993). A brief study on milk casein polymorphism in dairy cattle. *Indian J. Hered.* Vol. **XXIV** (1&2): 61-68.

D. Popular article:

- i. Malik, S. and Mishra, O.P. (1996). Vigyan Ka Naya Vardan "DNA finger printing". Smarika, I.V.R.I., Izatnagar.

E. Abstracts:

- i. Malik, S., Singh, B.P. and Singh, D. (1999). Present status and prospects in production of transgenic chickens. In: Pro. 4th Agri. Sci. Congress. Rajasthan Agri. Univ. Bikaner (Raj.). Feb. 21-24(1999) P-568.
- ii. Jeena, H.S.S., Singh, R.V., Sharma, D., Malik, S., Singh, D. and Singh, U.B. (1999) Construction of multi-trait selection indices for improving production efficiency of egg laying chicken. In: Pro. 4th Agri. Sci. Congress. Rajasthan Agri. Univ. Bikaner (Raj.). Feb. 21-24(1999) P-570
- iii. Malik, S., Sidhu, N.S., Singh, B.P., Singh, S. and Rani, R. (1998). A study on Beta and Kappa Casein alleles in zebu and crossbred cattle from India using PCR-SSOP. V Annual conference and National symposium on "Challenges for the advancement of veterinary science in 21st century. College of Agri., Indore (M.P.). Souvenir cum Abstract. pp.- 19.
- iv. Singh, B., Chaudhuri, D., Chandra, P., Malik, S. and Singh, B.P. (1998). Effects of Naked neck gene on broiler performance of two populations in tropical climate. V Annual conference and National symposium on "Challenges for the advancement of veterinary science in 21st century. College of Agri., Indore (M.P.). Souvenir cum Abstract. pp.- 19
- v. Singh, S., Singh, R.V., Singh, B.P. and Malik, S. (1998). Inheritance of growth and conformation traits in broiler chickens. V Annual conference and National symposium on "Challenges for the advancement of veterinary science in 21st century. College of Agri., Indore (M.P.). Souvenir cum Abstract. pp.- 19
- vi. Sharma, D., Malik, S., Singh, H.P. and Singh, R.V. (2000). Influence of rate of feathering on immune competence in Guinea Fowl. XXI World's Poultry Congress. Montreal (Canada).

Annexure 2

35/19

AGRICULTURAL
KRISHI ANUSANG

RECRUITMENT BOARD
BHAWAN: PUSA: NEW DELHI

F.No.3(10)/2000 - Rectt. I

INFORMATION FOR CANDIDATES

Advt.No. 01/2001

Item No. 56

Date of Publication : 27.01.2001

Closing date : 13.03.2001 (For applications posted from abroad and from the Andaman, Nicobar, Lakshadweep and Amindivi islands, States/Union Territories in the North Eastern Region, Ladakh Division of Jammu & Kashmir State, Sikkim, Pangi, Sub-Division of Chamba, Lahul & Spiti, districts of Himachal Pradesh, CLOSING DATE WILL BE 28.03.2001.)

1. DETAILS REGARDING THE POST

(TWO POSTS)

- i) Designation **Senior Scientist (Animal Genetics & Breeding)**
ii) Location **Central Avian Research Institute, Izatnagar**
iii) Scale of pay **Rs.12000-18300**
(Higher initial pay may be recommended to specially qualified candidates)

iv) The post is Permanent.

v) Position regarding reservation **Unreserved**

(vi) Age **The candidate must not have attained the age of 45 years as on closing date for receipt of applications from candidates in India i.e. 13.03.2001 (There will be no maximum age limits for the ICAR employees. Relaxation to SC/ST candidates may be given in accordance with the orders issued by Govt. of India from time to time.**

QUALIFICATIONS :

a) **ESSENTIAL:**

- i) Doctoral degree in Animal Genetics and/or Breeding.
ii) 5 (Five) years experience (excluding the period spent in obtaining the Ph.D. degree, during service, subject to maximum of 3 years) in research/teaching/extension education (as a Scientist (Rs.8000-13500) or in an equivalent position in the relevant subject.
iii) Evidence of contribution to Research/Teaching/Extension Education as supported by published work/innovations.
iv) Specialization/experience in Poultry Science.

Research Associate
Asst. Professor in CAR 4.2

Noted
Adv.

13.3.001

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III. DUTIES :

- i) To supervise and coordinate Research Guide and Plan research & teaching work of the Scientist and Teaching of Students in the discipline of Animal Genetics & Breeding.
- ii) To conduct research on his own field of his specialization.
- iii) To perform any other work assigned by the Director.

IV. EXPERIENCE :

Candidates should enclose service certificates in support of their claim of possessing experience. These certificates should be obtained from the concerned employer and should specify job description of the candidates.

V. PROBATION :

Two years as per Rule 14 of the ARS Rules. The period of probation may be extended or curtailed, as may be considered appropriate by the appointing authority.

VI. HEADQUARTERS: Central Avian Research Institute, Izatnagar

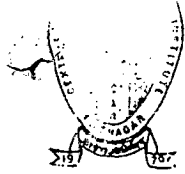
He may be posted to any other Institutes/Research Stations of the ICAR or be deputed to work in post(s) under the Central or any State Govt., Agricultural University or elsewhere (including assignments abroad) for a prescribed period or periods.

- VII.** The candidates selected for appointment will be required to join the post, after selection, within a reasonable period, prescribed by the appointing authority.

NOTE(I) APPLICATIONS RECEIVED AFTER THE CLOSING DATE WILL NOT BE ENTERTAINED. IN CASE A CANDIDATE ANTICIPATES DELAY IN FORWARDING OF HIS APPLICATION THROUGH PROPER CHANNEL, HE MUST SEND AN ADVANCE COPY OF THE APPLICATION, ALONGWITH THE FEE, WHICH MUST REACH THIS OFFICE ON OR BEFORE THE CLOSING DATE.

NOTE(II) APPLICATION FEE RS. 50/- PAYABLE BY CROSSED DEMAND DRAFT/PAY ORDER ONLY (VALID FOR SIX MONTHS) DRAWN IN FAVOUR OF THE SECRETARY, ASRB, PAYABLE AT NEW DELHI. (WITH NAME AND ADDRESS OF THE CANDIDATE WRITTEN ON ITS BACK). DEMAND DRAFTS/PAY ORDERS VALID FOR THREE MONTHS WILL NOT BE ACCEPTED.

(Requisition received from the ICAR vide letter No. 39(Sr.Sci.)3/99-Per.II, dated 31.10.2000)



केंद्रीय

अंधान संस्थान

इज्जतनगर - 243 122, बरेली, उ०प्र० (भारत)

CENTRAL AVIAN RESEARCH INSTITUTE

IZATNAGAR - 243 122, BAREILLY (U.P.) INDIA

पत्रांक/Ref

21st Aug. 2001
दिनांक/Date.....

TO WHOM IT MAY CONCERN

This is to certify that Dr. S. Malik has served at this Institute on the post of Research Associate in projects as per details given below.

1. Adhoc Research Project entitled "Genetic Characterization of Indigenous Poultry Germ Plasm" in the pay scale of Rs. 3300-100-3800+H.R.A.w.e.f. 30.5.95 to 11.3.97 revised w.e.f. 28.3.96 in the pay scale of 3750-125-4375+H.R.A.
2. Research Project entitled "Development and Breeding of Synthetic Broiler Strain" in the pay scale of Rs. 3750-125-4375+H.R.A. w.e.f. 12.3.97 to 1.2.99 with two advance increments i.e. Rs.4000/- per month, revised w.e.f. 1.4.98 to 10500+H.R.A.(consolidated)

During the above periods his work and conduct have been found excellent.

13.3.
ADMINISTRATIVE OFFICER

प्रशासनिक अधिकारी

केंद्रीय पक्षी अनुसंधान संस्थान
इज्जतनगर (बरेली)-243122

Attested
Dr.
son

Annexure 4

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To

The Secretary,
Agri.Scientist Recruitment Board,
Krishi Anusandhan Bhawan,
Pusa, New Delhi-12.

Advance copy

Sub : Submission of application for the post
of Senior Scientist (Animal Genetics &
Breeding) Adv.No.-1/2001, Item No-56.

Sir,

With the reference of your advt.No.1/2001 in
Employment News ~~for~~ dated 27th Jan., 2001 for different
Scientific posts. I am herewith submitting my application
for the above said post in C.A.R.I., Izatnagar U.P. with
all the required documents and application fee i.e.Rs.50/-
(Rupees fifty only) in the form of Bank draft.

Thanking you.

- Encl:-1. Application form.
2. Xerox copy of certificates.
from H.S.to Ph.D., Award etc.
(Total pages-13)
3. Crossed Bank draft
No.009274000002000
001231 dated 9th Feb., 2001.

Dated, the
17th Feb., 2001.

Yours faithfully,

(Signature)
17.2.01

(Dr.S.Malik)
Assistant Professor,
College of Vety.Sciences,
Central Agricultural University,
Selesih, Aizawl, Mizoram.

Attested
(Signature)
(Signature)

O/c

Annexure 5

15/11/99

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CAU/Reg/183-S/2000/193

24-03-2001.

To

The Secretary,
Agricultural Scientist Recruitment Board,
Krishi Anusandhan Bhawan, Pusa,
New Delhi -110012.

Subject : Forwarding of Application for the post
of Senior Scientist (Animal Genetics &
Breeding) at Central Avian Research
Institute, Izatnagar (Adv. No. 1/2001,
Item No.56).

Sir,

I am directed to forward herewith an application
filed by Shri S.Malik, Asstt. Professor, Deptt. of
Animal Breeding & Genetics, College of Vety.Sciences,
Central Agricultural University, Selesih, Aizawl, Mizoram
applied for the post of Senior Scientist (Animal Breeding
and Genetics) in Central Avian Research Institute,
Izatnagar in the pay scale of Rs.12000-19300/-

The University has no objection for his being a
candidate for the said post. In the event of his
selection, he will be relieved as per University rules.

However, the University is not liable to bear TA/DA
for appearing the Selection Test/Interview for the post.

Yours faithfully,

Receipt No- 1972
Date 11.04.2001
Office of O.S.D./DEAN
College of Vety. Sc. & A.H.
Selesih : Aizawl, Mizoram

24/3/2001
(Dr. M.Fremjit Singh)
Registrar,

Contd..2/-

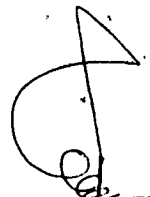
Attended
P.L.
S.D.

24 40

Memo No.CAU/Reg/183-S/2000/173 : Imphal, the 24th March,2001.

Copy to :

1. The PA to V.C. for kind information of Vice-Chancellor.
2. The OSD/Dean, College of Vety.Sciences, CAU, Mizoram for information.
- ✓ 3. Shri S.Malik, Asstt.Professor (Animal Breeding and Genetics), College of Vety.Sciences, Mizoram for information.


24/3/2001
(Dr. M.Premjit Singh)
Registrar,
Central Agricultural University,
Imphal.

Annexure 6

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To

The Director General
Indian Council of Agricultural Research
Krishi Bhavan
New Delhi

Sub.: Regarding interview letter.

Sir,

With due respect I beg to say that I had applied for the post of Senior Scientist (Animal Genetics & Breeding) at I.V.R.I., Izatnagar (Adv. No.-6/2000, Item no.- 119) and N.R.C. on Yak, Arunachal Pradesh (Adv. No.-8/2000, Item No.-220) to the Agri. Scientist Recruitment Board (ASRB) Pusa, New Delhi. Recently I informed that the interviews for the said posts had already been conducted in the month of June, 2001 but I have not received interview letters for the said posts, it is so much depress me. Actually the reason behind this is that the ASRB has not been considered my research experience which I gained as a Research Associate, at C.A.R.I., Izatnagar. ✓

Sir, out of all the research councils (CSIR, ICMR etc.) considering research experience gained as a Research Associate, I have proof of this consideration. Secondly, I had day and night hard work during my Research Associate ship in National Fellow Project at CARI, Izatnagar. Our Research Team had developed different broiler poultry strains during that time and conferred Hari Om Trust Ashram Award for the biennium 1997-98. If my experience as a Research Associate is not considered for the said post then tell me what I will do for this award. |

Now the matter is that I had also applied for the post of Senior Scientist (Animal Genetics & Breeding) C.A.R.I., Izatnagar (Adv.No.-1/2001, Item No.-56) screening already have been completed but my name has not been included in the list of candidates selected for the interview.

There fore, kindly take the necessary action for the consideration of my research experience gained as Research Associate so that I will get interview letter, if it is not, I will return your Hari Om Ashram Trust Award along with Rs. 10,000=00/-.

Thanking you in anticipation of justice.

Encl.: Brief bio data.

CC: Chairman, ASRB, Pusa, New Delhi

Yours Faithfully

(Signature)
25.7.01
(Dr. S. Malik)

(Signature)
25.7.01
(Dr. S. Malik)
Asst. Professor

College of Veterinary Sciences
Selesih (Aizawl) Mizoram
Pin-796007

Attested
(Signature)
(Signature)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

O.A. NO. 375 OF 2001

Dr. Suresh Malik

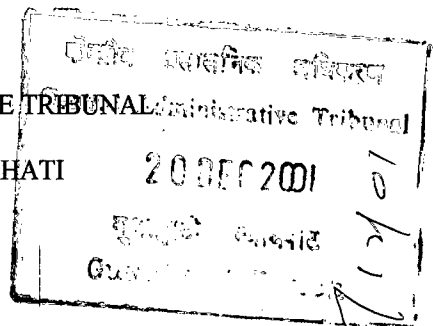
Vs

Union of India & Ors.

and

In the matter of :

Written statements submitted by the Respondents



The written statements of the above noted respondents are as follows :

1. That with regard to the statements made in para 4.1, 4.2 and 4.3 of the application, the respondents beg to offer no comments.

2. That with regard to the statements made in para 4.4 and 4.5 of the application, the respondents beg to state that it is not true. Dr. Malik joined as Assistant Professor, College of Veterinary Sciences & Animal Husbandary, Aizawal w.e.f. 4.2.1999 in the pay scale of Rs.8000-13500. The experience of Research Associate cannot be equated with the regular service in the pay scale of Rs.8000-13500 or Rs.2200-4000(pre-revised), as evident from the Annexure-III, appended by the applicant. As certified by the Administrative officer, CARI, Izatnagar the pay scale of Research Associate was Rs.3300-100-3800 w.e.f. 30.5.95 to 11.3.97 and revised to Rs.3750-125-4375 w.e.f. 28.3.96 and further revised to Rs.10500/- + HRA (consolidated). This is a sort of financial help/assistance but not regular service, which is required to consider as experience. It is evident that the pay scale of Research Associate cannot be equated with that of the Scientist in the pay scale of Rs.8000-13500 or Rs.2200-4000(pre-revised). Since Dr. Malik did not have the requisite experience of five years in the pay scale of Rs.2200-4000 (Rs.8000-13500) as on closing date for receipt of applications, he was judged ineligible for issue of interview call letter.

3. That with regard to the statements made in para 4.6 and 4.7 of the application, the respondents beg to offer no comments

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4. That with regard to the statements made in para 4.8 of the application, the respondents beg to submit the comments what have already been made against the foregoing paragraph 4.4 above.

5. That with regard to the statements made in para 4.9 of the application, the respondents beg to state that Dr. Malik was not eligible, there was not question of inviting him for the interview.

6. That with regard to the statements made in para 4.10 of the application, the respondents beg to submit the comments what have already been made against the foregoing paragraph 4.4 above.

7. That with regard to the statements made in para 4.11 of the application, the respondents beg to state that the experience of Research Associate cannot be equated with that of Scientist in the pay scale of Rs.2200-4000(pre-revised)/Rs.8000-13500. The facts are evident from the Annexure-III appended by the applicant himself.

8. That with the regard to the statements made in para 4.12 of the application, the respondents beg to state that the candidates having the experience of Research Associates in the regular pay scale as per our Advertisement/'Information for candidates' are being considered by the Board. However, in the case of Dr. Suresh Malik, as informed by him, he served as Research Associate at CARI, Izatnagar in Adhoc Research Projects in the pay scale of Rs.3300-100-3800 w.e.f. 30.5.95 to 11.3.97 which was revised to 3750-125-4375 w.e.f. 28.4.96 and Rs.10500/- (consolidated) w.e.f. 1.4.98 From the above, it is clear that his scale of pay was not at par to Rs.2200-4000(prior to 1.1.96)/Rs.8000-13500 (Revised w.e.f. 1.1.96).

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9. That with regard to the statements made in para 4.13 and 4.14 of the application, the respondents beg to submit the comments what have already been made against the foregoing paragraph 4.4 above.

10. That with regard to the statements made in para 4.15 to 4.18 the respondents beg to offer no comments

11. That with regard to the statements made in para 5.1 to 5.3 of the application, the respondents beg to submit the comments what have already been made against the foregoing paragraph 4.4 above.

12. That with regard to the statements made in para 5.4 and 5.5 of the application, the respondents beg to offer no comments.

It is, therefore, prayed that your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall further be pleased to dismiss the application with cost.

VERIFICATION.....

VERIFICATION

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I, ~~Shri~~ P. BAPAIYA being authorised do hereby solemnly affirm and declare that the statements made in this written statement are true to my knowledge and information and I have not suppressed any material facts.

And I sign this verification on this 5 ^{Dec.}th day of ~~November~~, 2001.



(P. BAPAIYA) Declarant.

Controller of Examinations
Agril. Scientists Recruitment Board
Tilhi Anusandhan Bhawan, Pusa
New Delhi-110012.



Annexure-3
केंद्रीय पक्षी संस्थान

इजतनगर - 24

बरेली, उ०प्र० (भारत)

CENTRAL AVIAN RESEARCH INSTITUTE
IZATNAGAR - 243 122, BAREILLY (U.P.) INDIA

पत्रांक/Ref

21st Aug. 2001
दिनांक/Date

TO WHOM IT MAY CONCERN

This is to certify that Dr. S. Malik has served at this Institute on the post of Research Associate in projects as per details given below.

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During the above periods his work and conduct have been found excellent.

ADMINISTRATIVE OFFICER

प्रशासनिक अधिकारी
केंद्रीय पक्षी अनुसंधान संस्थान
इजतनगर (बरेली)-243122