

30/100

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

10

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(DESTRUCTION OF RECORD RULES, 1990)

- CP ep 27/98 under page 145
- (3) MP 155/98 under page - 1
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SECTION OFFICER (Judl.)

Bahli
22/8

NO. 80/95
J Kumar

Applicant

NO 9 2002

Respondents

For the applicant: Mr. B.K. Sharma, Addl. C.G.S.C, ICAR Research Complex for N.E.H. Region, Meghalaya, Shillong, 793007.
For the respondents: Mr. A.K. Choudhury, Addl. C.G.S.C, ICAR Research Complex for N.E.H. Region, Meghalaya, Shillong, 793007.

DATE

ORDER

Pay urgent Circulation:

17.4.95
(Vacation)

Mr B.K.Sharma with Mr M.K.Choudhury and Mr S.Sarma for the applicants in each application.

Mr A.K.Choudhury, Addl.C.G.S.C for the respondents in each application on notice

The grievance of the respective applicants in these five Original Application is similar. An advertisement was issued bearing No.RC(R)14/93 dated 20.8.93(Annexure A) by the ICAR Research Complex for N.E.H. Region, Meghalaya inviting applications for certain technical posts in the various disciplines mentioned in the advertisement. According to the applicants they had applied in pursuance of the said advertisement and they were selected for different disciplines after an interview was held by the Interview Board in March, 1994. However, it is the grievance of the applicants that they have not so far been appointed ^{to the posts} for which they have been selected and now the select list will expire on expiry of one year i.e. on 25.4.1995 as per the prevalent rules and

ks

contd... 2/-

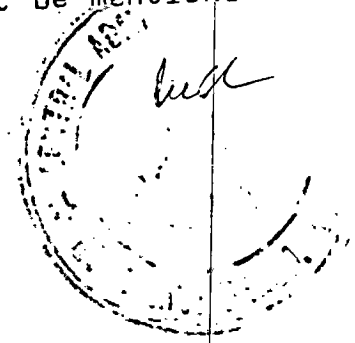
(2)

17.4.95 practice of the ICAR unless extended.
An extract of the select list is annexed as Annexure-C. The Director of the ICAR Complex for N.E.H. Region is the appointing authority and the ICAR has by its letter dated 4.8.94 have made it clear that the Director is competent to make the appointments notified under the advertisement.

It is the grievance of the applicants that the Director i.e. Respondent No.3 has however, not made the appointments of the applicants against the posts in the relevant disciplines for which they have been selected as seen from Annexure -C and ^{he} is allowing the panel to expire and that would cause serious prejudice to them. Except applicant in O.A.82/95 the applicants in the other applications submitted representation to the Director General in the month of March, 1995 requesting for releasing the offer of appointment and issuing the appointment orders. However, they have not received any reply and therefore they have approached this Tribunal for urgent relief as they apprehend that the appointments may not be made if the select list would expire and they would be deprived ^{of} the chance of appointment. It is contended by the applicants that the delay in releasing the offer of appointment without assigning any reason smacks of bias and discrimination on the part of the concerned officials against them and that therefore they deserve to be protected. Several other legal contentions ^{as} urged in the application need not be mentioned at this stage.

best

contd... 3/-



(3)

3

17.4.95

✓ ^{Would thus} Prima facie it ~~thus~~ appear that as
 ✓ ^a ~~an answer~~ consequence of ^{existence} exigencies of the
 ✓ notified vacancies, ^{the} and invitation of
 ✓ applications ^{followed} ~~valid~~ by interview and
 ✓ preparations of the select list the appli-
 ✓ cants ~~would have~~ legitimately expected to
 ✓ be appointed before they ^{loose} ~~lost~~ their chance
 ✓ by allowing the panel to ~~be~~ expired. It is
 ✓ ^{seen} clear from ^{the} this extract of the select list
 ✓ that the candidates ^{are} were selected under a
 ✓ main list and some candidates ^{are} were wait-
 listed. It is therefore difficult to gather
 as to ~~what~~ for what reason the respondent
 No.3 has not ^{ap} pointed the applicants so far.
 Apparently having been selected by the
 interview board the respondent No.3 is
 expected to make their appointments unless
 for any valid or legal reasons it could
 not be made. The grievance of the appli-
 cants therefore has some foundation and
 consequently their interest needs to be
 protected ^{until satisfactory cause is shown}
^{by respondent no.3.}

Mr Choudhury, the learned Addl.C.G.S.

C submits that he has not so far received
 any advance instructions from the respon-
 dent No.3 and he will ~~be~~ have to seek
 instructions on the point as to why the
 appointments of the applicants have not
 been made so far or whether they are
 likely to be made upto 26th April, 1995.

Under the circumstances, issue notice,
^{separately in each application-1} to the respondents to show cause as to
 why the applications should not be admitted
 and interim relief as prayed may not be
 granted. Show cause reply returnable on
 25.4.1995. The notice be directly issued
 by speed post at the cost of the appli-
 cants to the respondent No.3 and be served
 for the limited purpose of admission on
 Mr A.K.Choudhury, Addl.C.G.S.C for
 respondents 1 and 2. Pending the admission



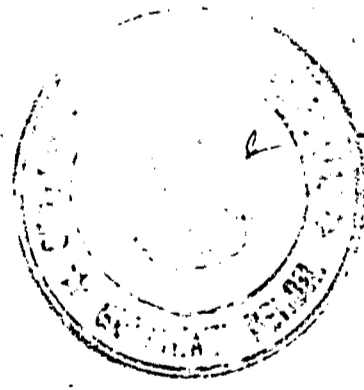
contd... 4/-

17.4.95 of the applications and any cause shown by the respondent No.3 if any it is directed by way of an interim order that the respondent No.3 may make the appointments of the applicants against the posts for which they are selected before the select list would expire as stated on 26.4.95 but in case no such appointment is made ~~with~~ then ~~not~~ notwithstanding the expiry of the panel the posts against which the applicants have been selected shall not be filled ⁱⁿ the respective disciplines (equal to the number of the applicants) until further orders. *The circumstance that the applicants may be deemed to be eligible for being appointed on the basis of the present select list even after the expiry of the panel being the subject matter of the present applications will be borne in mind by the respondent No.3 and will be subject to such orders as may be passed in the Original Applications. The pendency of this application will not be a bar for the respondent No.3 to proceed to make appointment of the applicants. It will also be open to the respondent No.3 to extend the period of the select list in accordance with the rules to enable him to make the app-
-ment of the applicants, ^{if necessary after} However, ^{26.4.95} whether any such ~~exp~~ extension is contemplated should be ~~extended~~ explained to this Tribunal on 25.4.95.*

Further orders will be passed on 25.4.95. The above directions may be extended thereafter with further suitable orders if necessary if such extension is sought by applicants to whom liberty is given to do so.

Copy of the order be supplied to the counsel of the parties.

Sd/- M.G. CHAUDHARI
VICE CHAIRMAN




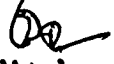
Requisites are send & send of speed PM- to R-no. 3 & 8 of Repd. PM- to R-no. 1 & 2 vide no 1652-59 dt. 18.4.95

18/4

25.4.95

Mr B.K.Sharma/Mr S.Ali, Sr.C.G.S.C
Mr A.K.Choudhury, Addl.C.C.S.C.



At the request of the learned
counsel for the respondents adjourned
to 22.5.1995 for admission. The
interim order dated 17.4.95 will
continue to operate until further
orders.


Vice-Chairman

Member

pg

22-5-95

None present for the applicants.
Although Mr.B.K.han Sharma has filed
leave note there is no reasons as to
why the other two advocates who are on
record should not attend. However
mainly we are interested in knowing
the stand of the respondents. Although
Mr.A.K.Choudhury Addl.C.C.S.C. is
present and he says that now Mr.S.Ali
Sr.C.G.S.C. in charge of the matter,
Mr.S.Ali, Sr.C.G.S.C. is not present
at the moment. Under the circumstances
we are constrained to adjourn the
O.A. to 29-5-95.


Vice-Chairman

Member

In

30-5-95

No show cause reply has been filed by the respondents till to-day. Application is admitted. Issue ~~not~~ regular notices to the respondents. ~~Written statement in answer~~ Interim order continued until further orders. Written statements ~~in~~ within four weeks. O.A. is adjourned for orders to 3-7-95.

[Signature]
Vice-Chairman

[Signature]
Member

Notice (contd) vide no. 2622-24 & 22-6-95
lm

lm
19/6

[Signature]
1/6

3-7-95

At the request of Mr. S. Sr. C.G.S.C adjourned to 21-8-

[Signature]
Vice-Chairman

[Signature]
Member

Memo of appearance filed by Mr. S. Ali, Sr. C.G.S.C
lm

29-8-95

Adjourned to 11-9-95.

[Signature]
Vice-Chairman

[Signature]
Member

- 1) Service Reports are still awaited.
- 2) W/s statement has not been filed.

lm
20/6

29.11.95 Adjourned to 29.1.96

21-7-95

W/S has submitted by order by Repet. 1, 2 & 3.

29.1.96 for hearing on 13.3.96

11.9.95

[Signature]
By order
[Signature]

After 29.11.95.

[Signature]
28.11.95
Reminder to the W/S submitted by the respondents.
[Signature]

18.9.96

Mr. S.Ali, Sr. C.G.S.C. for the respondents.

List for hearing on 16.10.1996.

ba
Member

trd

16.10.96

Learned Sr. C.G.S.C. Mr S. Ali for the respondents. List for hearing on 4.12.96.

ba
Member

nkm

*Mr
17/10*

2.5.97

Counsel for the parties are present. List for hearing on 12.6.97.

ba
Member

Sh
Vice-Chairman

Mr. S.Ali, Sr.C.G.S.C. informs that he has not yet received the records. We feel the records pertaining to the selection are necessary for a just decision.

List for hearing on 4-7-97.

ba
Member

Sh
Vice-Chairman

Mr. S.Ali, learned Sr. C.G.S.C. submits that in spite of his best endeavour records could not be produced today. He prays for short adjournment. Prayer allowed.

List on 15.7.1997 for hearing.

ba
Member

Sh
Vice-Chairman

trd
R.M.

13-3-96

List for hearing

Member

lm

for 16/3

14-5-96

Learned counsel Mr.B.K.Sharma
for the applicant. Mr.S.Ali, Sr.C.G.S.C.
for the respondents.

List for hearing on 21-6-96.

lm

21-6-96

None is present.
on 19-7-96.

*of content & Rejai ndm
has been G.W.
50
16/7*

lm

19.7.96

respo

*of content & Rejai ndm
has been G.W.
50
14/8*

pg

for 17/8

16.8.96

Mr.
Mr.
respondents.

List for

trd

for 16/8

9

O.A. 80/95

a

15.7.97 Heard counsel for the parties.
Hearing concluded. Judgment delivered
in open Court, kept in separate sheets.
The application is disposed of. in
terms of the order. No order as to ~~xx~~
costs.


Member


Vice-Chairman

pg

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos.79, 80, 81, 82, 85, 137 & 146 of 1995.

Date of decision: This the 15th day of July 1997

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

The Hon'ble Mr G.L. Sanglyine, Administrative Member

1. Lakshmi Narayan Singh (O.A.No.79/95)
2. Dhruvendra Kumar (O.A.No.80/95)
3. Tribhuvan Kr Sinha (O.A.No.81/95)
4. Ramvilas Kushwaha (O.A.No.82/95)
5. R.C. Sachan (O.A.No.85/95)
6. Shri Dhruvendra Kumar (O.A.No.137/95)
7. Shri Shatrughan Verma & ors (O.A.No.146/95)Applicants

By Advocate Mr B.K. Sharma & Mr S. Sarma.

- versus -

Union of India and others

.....Respondents

By Advocate Mr S. Ali, Sr. C.G.S.C.,
Mr G. Sarma, Addl. C.G.S.C. and
Mr A.K. Choudhury, Addl. C.G.S.C.

.....
O R D E R

BARUAH.J. (V.C.)

All the above original applications involve common questions of law and similar facts. Therefore, we propose to dispose of all the original applications by this common order. Facts for the purpose of disposal of these applications are as follows:

The applicants have been working in the Indian Council of Agricultural Research (ICAR for short) as a Trainee Assistant Research Associates etc. The respondent No.3 issued an advertisement by Annexure-A dated 20.8.1993 for appointment to the said posts.

2. Pursuant to the said advertisement, the present applicants

12
alongwith others submitted applications for appointment to the said posts. They were called for to appear before a Selection Board in the month of March 1994. They appeared before the Selection Board and the Board after considering their merits, selected them for appointment. The selection so made had been approved by the Competent Authority. The second respondent, thereafter, issued Annexure B letter dated 4.8.1994. In the said letter, it was observed that the third respondent being the appointing authority was competent to make order for appointment. The applicants further state that in spite of such selection, they were not appointed. Feeling aggrieved, they submitted individual representations to the authority concerned but to no avail. Hence the present applications.

3. In due course written statement have been filed by the respondents. In their written statements they state that the matter was under process and it was taken by the Council Headquarter. The applicants state that under similar situation, another application was filed (O.A.No.78/95, S. Verma -vs- Union of India and others). The said original application was disposed of on 9.6.1997 by this Tribunal with a direction to the respondents to appoint the applicant the said original application as per the select list within a period of one month.

4. In the aforesaid case, during the course of hearing, Mr S. Ali, learned Sr. C.G.S.C. very fairly submitted that the applicant was going to be appointed by the respondents pursuant to his selection.

5. We have heard Mr S. Sarma, learned counsel for the applicants and Mr S. Ali, learned Sr. C.G.S.C.. Mr Sarma submits that the present cases are squarely covered by the order passed by this Tribunal in the aforesaid original application No.78/95. Accordingly, similar direction should be given in the present application also. Mr S. Ali does not dispute the contention of

Mr S. Sarma.

6. On hearing the learned counsel for the parties and on perusal of the applications we are of the opinion that the present original applications are squarely covered by the order passed in O.A.No.78/95 on 9.6.1997. Therefore, we dispose of these applications with a direction to the respondents to appoint the applicants within a period of one month from the date of receipt of this order. Mr S. Ali also informs the Tribunal that there will be no difficulty for the authority to appoint the applicants within that period.

7. Mr B.K. Sharma, learned counsel appearing on behalf of the applicants, also submits that the applicants were selected earlier. However, they had not been appointed. On the other hand, subsequent select list was prepared and the persons subsequently selected had been appointed. These actions were not only arbitrary, but also unreasonable and unfair. Learned counsel Mr S. Ali has not disputed the same. However, we are not inclined to pass any order at this stage. We leave it to the authorities to decide and while deciding the matter the authorities shall take into consideration the case of the present applicants who were earlier selected.

8. The applications are accordingly disposed of. However, in the facts and circumstances of the cases we make no order as to costs.

Sc/- VICE CHAIRMAN

Sc/- MEMBER (A)

174 14
17 APR 1995
Gwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the Case : O.A. No. 80 of 1995
Shri Dhruvendra Kumar Applicant

- Versus -

The Union of India & Ors. Respondents

I N D E X

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For use in Tribunal's office :

Date of filing : 17.4.97

Registration No. : GA 80/95

REGISTRAR
[Signature]

O.A. NO. _____ OF 1995

BETWEEN

Shri Dhruvendra Kumar,
at present working as Research Associate
All India Co-Ordinated Research Project on
Rodent Control, Division of Entomology,
ICAR Research Complex, Barapani,
Meghalaya

... Applicant

AND

1. The Union of India
represented by the Secretary to the
Government of India,
Ministry of Agriculture,
Krishi Bhavan, New Delhi.
2. The Director General,
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi.
3. The Director,
Indian Council of Agricultural Research,
Research Complex for NEH Region,
Barapani, Meghalaya.

... Respondents

DETAILS OF APPLICATION

1. Particulars of the order against which
the application is made :

The application is not directed against any particular order but for a direction for appointment of the applicant as Technical Officer, Entomology (T-6) in the Indian Council of Agricultural Research (ICAR), Barapani. The applicant is also directed against deemed rejection of representation of the applicant to the above facts.

2. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

Filed by -
M. K. Choudhury
Admin. Secy.

3. Limitation :

The applicant further declares that the application is made 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 as such he is entitled to all the rights, privileges and protections guaranteed by the Constitution of India and the laws framed thereunder.

4.2 That the applicant is an M.Sc. (Zoology) with specialisation ~~and~~ in Entomology and has also done research work leading to his Ph.D. He entered into the services of ICAR as Research Associate, All India Co-Ordinated Research Project on Rodent Control Division of Entomology in the ICAR in May 1985 pursuant to his selection for the post. Ever since his entry into the services of ICAR he has been rendering his sincere and devoted service to the satisfaction of all concerned.

4.3 That the respondent No. 3 i.e. the Director, ICAR Research Complex for NEH Region, Barapani had issued an advertisement No. RC(R) 14/93 dated 20.8.92 by which applications for certain technical posts as indicated therein were invited. The applicant, pursuant to the said advertisement applied for the post of Technical Officer, Entomology (T-6). Be it stated here that the said advertisement was published in the leading newspapers including the Employment News.

A copy of the advertisement is annexed herewith as ANNEXURE: A.

4.4 That the candidature of the applicant having been accepted, he alongwith many others were invited for an interview to adjudge the suitability. The applicant appeared before the Interview Board duly constituted for the purpose of 19.3.94 and did very well. As stated above many candidates had applied for the posts and appeared before the Interview Board.

4.5 That pursuant to ~~the~~ such application and interview the applicant has been selected for the post of Technical Officer (T-6) (Entomology) and his position in the merit list appeared at serial No. 1. The merit list so prepared by the Selection Committee was forwarded to the Head Office in Delhi i.e. ICAR Krishi Bhavan, New Delhi. The Head Office on approval of the same sent back the proceedings of the Selection Committee to the Respondent No. 3 vide their letter No.F. No. 11979/94. Est.IV dated 4.8.94. In the letter, it was indicated that the respondent No. 3 being the appointing authority is competent to deal such cases.

A copy of the said letter dated 4.8.94 is annexed herewith as ANNEXURE:B and a copy of the Select List is annexed as ANNEXURE:C.

4.6 That pursuant to such selection and approval, it has been the legitimate expectation of the applicant that he will be appointed to the post of Technical Officer (T-6) (Entomology). By now, almost a year has elapsed since the preparation of the merit list. To the best of the knowledge of the applicant, the final merit list

2.9 That the applicant states that the Respondents cannot sit over the matter to the detriment of the interest of the applicant and that too without assigning any reason. Adequate number of vacancies are available for absorption of the applicant in the aforesaid post. In any case the respondents after making out a promise by way of issuance of advertisement, calling upon the applications, holding selection for the post and approval of the select list cannot hold back and/or back out from their own promise by way of not issuing any appointment letter to the applicant enabling him to join the said post for which he has been duly selected. It will be pertinent to mention here that the respondents have already appointed selected candidates in other disciplines pursuant to the aforesaid advertisement and selection. Such appointment letters were issued in the month of November 1994 and January 1995. There is no earthly reason as to why the applicant should also not be appointed to the selected post. The respondents cannot both approbate and reprobate.

4.10. That the applicant states that apart from the aforesaid representations, he has made several personal representations before the respondents and all along has been assured that issuance of the appointment letter is in process, but as pointed out above, that process is yet to be materialised. The applicant states that the respondents are duty bound to act fairly and cannot act arbitrarily. The applicant has been meted out with hostile

Contd...P/6.

discrimination in violation of articles 14 and 16 of the Constitution of India. Needless to say that Governmental Agencies are always believed to have acted fairly and such a duty is cast upon the respondents more particularly the Respondent No. 3. A duty is enjoined upon him to exhibit the spirit of a model employer.

4.11 That the applicant states that it is his reasonable apprehension that some pressure group and vested interest are acting behind the screen with a view to get the select list expired and thus the Hon'ble Tribunal may take such recourse as may be deemed fit and proper so as to lift the veil to find out the real position behind the inaction on the part of the respondents in not appointing the application to the selected post.

~~4.12~~

5. Grounds for relief with legal provisions :

5.1 For that there is no earthly reason as to why the applicant should not be appointed a to the selected post even after his due selection.

5.2 For that the respondents cannot go back from their own promises based on which the applicant applied for the post, appeared before the selection committee and got selected.

5.3 For that the selected candidates in other discipline having been appointed and there being no impediment against the applicant, there has been violation of Articles 14 and 16 of the Constitution of India.

Contd...P/7.

5.4 For that the respondents cannot just sit over the matter so as to get the select list expired and thereby cause irreparable loss and injury to the applicant.

5.5 For that the respondents are required to exhibit the true spirit of a model employer and they cannot act just arbitrarily and unreasonably.

5.6 For that there being violation of the principles of promissory estoppel and legitimate expectation, same is required to be ~~remedied~~ remedied by way of an appropriate direction.

5.7 For that the number of posts having been assessed before issuance of the advertisement and further vacancies having been arisen, there is no reason as to why the applicant should not be accommodated in one of the vacant posts.

5.8 For that there being no response from the Respondents towards the representations submitted by the applicant it is clearly established that some extraneous considerations are the foundations of the inaction of the respondents. The respondents cannot be allowed to act arbitrarily and unreasonably, Their action must be fair, reasonable and just.

5.9 For that in any view of the matter, the impugned action/inaction on the part of the respondents are not sustainable.

Contd...P/8.

6. Details of remedies exhausted :

The applicant declares that he has no other alternative remedy except by way of filing this application. He has exhausted departmental remedy by filing representation

7. Matters not previously filed or pending before any other Court :

The applicant further declares that he has not filed any application, writ petition or suit before any other authority or any other Court of law and/or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Reliefs sought for :

Under the facts and circumstances stated above, the applicant prays that the instant application, be admitted, records be called for and upon hearing the parties on the cause or causes that may be shown and on perusal of the records, be pleased to grant the following reliefs :

- (i) To direct the respondents to appoint the applicant to the post of Technical Officer (T-6) (Entomology) in the Indian Council of Agricultural Research, Barapani with retrospective effect with all consequential benefits.
- (ii) Cost of the application

Contd...P/9.

(iii) Any other relief or reliefs to which the applicant is entitled as may be deemed fit and proper by the Hon'ble Tribunal.

9. Interim order prayed for :

Pending disposal of the application, an interim order may be passed directing the respondents not to expire the select list in question and/or to extend the date of expiry of the said select list. The interim order prayed for is just and proper inasmuch as if the select list is allowed to expire, the instant application will become infructuous and the applicant will suffer irreparable loss and injury and his service career will be in jeopardy.

10.....

The application is filed through Advocate.

11. Particulars of the I.P.O. :

- (i) I.P.O. No. : 8-03-884060
- (ii) Date : 10/4
- (iii) Payable at : Guwahati.

12. List of enclosures :


As stated in the Index.

Verification....

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

I, Shri Dhruvendra Kumar, son of Shri K.P.Singh, Aged about 42 years, at present working as Research Associate, All India Co-Ordinated Research Project on Rodent Control, Division of Entomology, ICAR Research Complex, Barapani, do hereby verify and state that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge ; those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 9th day of April 1995 at Guwahati.


(DHUVENDRA KUMAR)

-11-

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research Complex for N.E.H. Region
UMROI ROAD: BARAPANI: MEGHALAYA.

ANNEXURE - A

NO. RC(R) 14/93
Dtd. 20.8.93

50101/93/28/9/93

EN-4-11/9/93

The Director, ICAR Research Complex for N.E.H. Region, Barapani invites applications from Indian Nationals for following Technical posts:-

1. Farm Manager T-6 (Poultry/Agronomy) - 2 posts (1 for SC)
a) Place of posting - Poultry (Lembucherra - Tripura) and for Agronomy - Basar (Arunachal Pradesh).
 2. Technical Officer T-6 (Entomology) - 2 posts (Unreserved)
a) Place of posting - ICAR Barapani.
 3. Extension Officer T-6 (Extension) - 1 (one for ST)
a) Place of posting - ICAR Barapani.
- I) Essential Qualification: i) Bachelor's Degree in relevant field. (ii) Five Years' experience of Extension/Training and development in the relevant field.
- II) Desirable Qualification: i) Master's degree in the concerned subject. (ii) Knowledge of local language. (iii) Research experience in rodent for the post Technical Officer (Entomology).
4. Training Associate (T-6) - 14 (fourteen) posts (Reserved for SC - 7 (seven) and for ST - 2 (two)
a) Place of posting - Home Science (KVK-Tripura/KVK-Tura/KVK-Nagaland/KVK-Sikkim) Animal Science (KVK-Tripura/KVK-Tura/KVK-Sikkim/KVK-Arunachal Pradesh). Agronomy (KVK-Tripura) Crop Production (KVK-Tura/TTC-Nagaland) Agri. Communication (TTC-Nagaland) Horticulture (TTC-Nagaland/KVK-Arunachal Pradesh)
- I) Essential Qualification: i) Bachelor's degree in the relevant field. (ii) Five Years' experience of extension/training and development in the relevant field.
- II) Desirable Qualification: i) Master's degree in the concerned subject. (ii) Knowledge of local language.
5. Technical Assistant (T-4)-Fishery - one post (Reserved for SC)
a) Place of posting - ICAR Barapani.
- I) Essential Qualification: i) Bachelor's degree in Fishery Science ii) Three years' experience in Extension/Training/Development Research in the field.
- II) Desirable Qualification: - M.Sc. in Zoology with Fishery as special subject/Fishery Science.

Attested.

..... 2/-

M. K. Chetty
Advocate.

- 8 -

- 12 -

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Artist (T-4) - 1 (one) post (Un-reserved)

a) Place of posting - ICAR Barapani (Extension)

b) Essential Qualification : i) Bachelor's degree in Fine Arts. (ii) Three years experience in Art works relating to Agril. Extension.

7. Training Assistant (T-4) - 6 (six) posts (Reserved for SC - 2 two) and for ST - 2 (two)

a) Place of posting - Agronomy - (KVK-Nagaland) ✓
Home Science - (KVK-Arunachal Pradesh/KVK-Tripura) ✓
Agril. Engineering - (KVK-Sikkim) ✓ A.V. Aids (Extn.) - KVK -Tura.
Horticulture (K.V.K. -Tura) ✓

b) Essential Qualification : i) Bachelor's degree in the relevant field.

II) Desirable Qualification : i) Master degree in the relevant field. (ii) Knowledge of local language.

The Scale of pay for all T-6 posts is Rs. 2200-75-2800-EB-100-4000/- p.m. and for all T-4 posts is Rs. 1640-60-2500-EB-75-2900/- p.m.

GENERAL INFORMATION

1. Age limit for the T-6 grade posts bearing scale of pay of Rs. 2200-4000/- is 35 years. For T-4 grade posts bearing scale of pay of Rs. 1640-2900/- is 30 years as on 1.1.93. Age relaxation 5 years shall be allowed to Scheduled Caste and Scheduled Tribe candidates and other exempted categories like Ex-serviceman etc. as per rule framed and instructions issued from time to time by the Indian Council of Agricultural Research/Govt. of India. There will be no age limit for the employees of ICAR.
2. Candidates applying for the posts carrying scale of pay of Rs. 2200-4000/- and Rs. 1640-2900/- will have to pay an application fee of Rs. 20/- (Twenty) only in the form of Crossed Indian Postal Order drawn in the name of Director ICAR Research Complex for N.E.H. Region, Barapani payable at GPO, Shillong. Candidates belonging to SC/ST community are fully exempted from paying application fee.
3. The posts are temporary, but likely to continue for indefinite period. Intending candidates should submit their applications giving advertisement no., name of post (disciplinewise), item No. etc., as per the application format given below :-

contd.....3

Attested.

M. K. *[Signature]*
Advocate.

ANNEXURE B

ICAR Nagaland

Chd
Signature

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN : NEW DELHI

ICAR (7)/94 Estt. IV

Dated: ^{4th} August, 94.

The Director,
ICAR Res. Complex for NEH Region,
Imphal, Nagaland,
781001 (Naghalaya)

Forwarding of Proceeding of Selection Committee
for the post of Training Associate T-6.

With reference to your Office Letter No. RC(R)14/93
dated 31.5.94 on the above mentioned subject. I am to say
that the Director of the Institute being appointing Authority
of grade is competent to deal such cases. The original
Proceeding of Selection Committee for the post of Training
Associate is enclosed.

Yours faithfully,

J. Chd
(JAGDISH CHANDER)
UNDER SECRETARY (J)

Received with int copy
Enclosure
CR. N. S. T. Q. U.

ICAR/3304

Respected.

M. K. Chetty
Advocate.

STATEMENT SHOWING DETAIL PARTICULARS OF THE CANDIDATES FOR THE POST OF (T-6)

Sl No.	Name of the post	Name of the candidates	Date of birth	Qualifications	Experience if any	Remarks
1	2	3	4	5	6	
1. Farm Manager(T-6) A.Main List						
	Poultry	1. Sh. Dr. Anil Chakraborty	22.03.63	B.V.Sc & A.N. M.V.Sc.(LPM) Ph.D(LPM)	Working as Vets. Asstt. Surgeon in Distt. of An. Husbandry, Udaipur, Tripura(S) from 20.6.86 to till date.	
2. Tech. Officer(T-6) A.Main List						
	Entomology	1. Sh. Dhruvendra Kumar	15.03.52	B.Sc, H.Sc Ph.D	Working as Research Associate in AICRP on Rodent from 6.5.85 to till date.	
		2. Sh. Ram Vilas Kushwaha	15.07.63	B.Sc(AG-AH) M.Sc Ag.Ente.	Worked as a Research Associate from 30.6.88 to 16.11.92. Worked as a T-II-3 from 17.11.92 to 30.11.92 in ICAR. Working as Research Asstt. from 1.12.93 to till date.	
		B.Waiting List				
		3. Sh. Mahesh Kumar	28.12.60	B.Sc Ag & M.Sc Ento. P.Ed	Working as Research Associate in project on Rodent Control since 1988 to till date.	16.11.92 to till date
3. Farm Manager (T-6) Agronomy						
		A. Main List				
		1. Sh. R.C. Sachan	01.03.59	B.Sc(Ag.Hons) M.Sc Ag.Eco	Working as Trg. Asstt. (T-4) Agro from 1.1.91 to till date.	
		2. Sh. S. Verma	28.12.59	B.Sc (Ag)	Working as Trg. Asstt. (T-4) Ag./Extn. from 22.7.87 to till date in T.T.C. Nagaland.	

Note : Essential qualifications : 1) Bachelor's Degree in the relevant field
 ii) Five years' experience of extension/training and development in the relevant field.

Desirable qualifications : 1) Master's degree in the relevant field.
 ii) Knowledge of local language.

Attested
 M.K. Chelley
 Advocate

-15-

STATEMENT SHOWING DETAILS PARTICULARS OF THE CANDIDATES FOR THE POSTS OF (T-6)

Sl. No.	Name of the post	Name of the candidates	Date of Birth	Qualifications	Experience if any	Remarks
1	2	3	4	5	6	7
1.	Trg. Assoc(T-6) Horticulture	<u>A. Main List</u>				
		1. Sh. H. Deven Singh	01.03.57	M.Sc (Hort)	Worked as Trg. Asstt.(T-4) from 1984 to 1.1.90. As T-5 1.1.90 to till date in K.V.K., Nagaland Centre.	
		<u>B. Waiting list</u>				
		2. Sh. G.P. Kabul	01.02.58	B.Sc (Hort)	Working as Trg. Asstt. (T-4) Hort. from 20.11.85 to till date in K.V.K. Tripura.	
		3. Sh. Anamika Sharma	76.07.63	B.SC Ag & M.Sc Ph.D (Hort)	Working as Trg. Asstt. (T-4) Hort from 27.2.90 to till date.	
2.	Trg. Assoc (T-6) Home Science	<u>A. Main List</u>				
		1. Sh. V. Kenny Maloo	31.01.61	B.SC (H. Sci)	Working as Trg. Asstt (T-4) from 31.7.87 to till date in K.V.K. Nagaland.	
		2. Sh. K. Angela Solo	01.05.57	B.Sc (H.Sc)	Working as Trg. Asstt.(T-4) from 19.2.86 to till date in K.V.K. Nagaland.	
		3. Sh. Bharati Saloi	05.04.56	B.Sc (H.Sc)	Working as instructor in Balasobika Trg. Instt. Juyour from 1.12.88 to till date.	
		4. Sh. Shaswati Das	01.02.61	M.Sc (H.Sc)	Working as Lecturer in D.K. Girls' College Mirza, Kamrup from Sept'88 to till date.	
3.	Trg. Assoc(T-6) An. Science	<u>A. Main List</u>				
		1. Sh. V. Rajen Singh	01.01.62	B.V.Sc & A.H.	Working as Trg. Asstt. (T-4) An. Sc from 1.6.87 to till date in K.V.K. Nagaland.	
4.	Trg. Assoc(T-6) Agro/Crop. Production.	<u>A. Main List</u>				
		1. Sh. A.K. Khan	01.02.57	B.Sc (Ag)	Working as Trg. Asstt. (T-4) Agro/ Extn. from 27.7.87 to till date in T.T.C. Nagaland.	
		2. Sh. L.N. Singh	04.04.59	B.Sc(Ag)	Working as Trg. Asstt. (T-4) Agro/ Extn. from 9.10.87 to till date in K.V.K. Sikkim.	
		3. Sh. T.K. Chha	20.11.55	B.Sc(Ag.) M.Sc Ag. Zoo	Working as Trg. Asstt. (T-4) Agro. from 1984 to till date in KVI Sikkim.	
		4. Sh. M.H. Rana	25.10.57	B.Sc (Ag.) M.A. Econ.	Working as Trg. Asstt. (T-4) Plant Patho. from 1.7.89 to till date in ICAR Hqrs, Barapani.	

...Contd. 29.....

ENCLOSURE

1.	2	3	4	5	6
<u>B. Waiting List</u>					
1.	Sh. Gurusasad Kar	18.07.60	B.Sc(Ag)	Working as T-4 (Hort) from 29.7.87 to till date in KVK Tripura.	
2.	Sh. R.P. Shankhar	31.10.52	B.Sc(Ag)	Working as Tech. Officer (T-5) from 1990 at CIINP, Lucknow.	
3.	Sh. J.L. Singh	30.01.59	M.Sc(Ag)	Working as T-4 (Agro) from 29.11.85 to till date in KVK Tura.	
4.	Sh. Jainath Prasad	15.08.60	B.Sc (Ag)	Having 5 years experience as per his statement shown in the application.	

Note : Essential qualifications ; 1) Bachelor's Degree in the relevant field.

ii) Five years' experience of extension/training and development in the relevant field.

Desirable qualifications : 1) Master's degree in the relevant field.

ii) Knowledge of local language.

Attested.

M.K. Chatterjee
Advocate.

Barapani
Dated 9th March 1995

To
The Director
ICAR Research Complex for NEH Region
Barapani.

(Through Proper Channel)

Sub.: Selection/appointment for the post of Technical Officer
(T-6) Entomology - Regarding.

- Ref.: i) Advt. No. RC(R) 14/93 dated Barapani 20.8.93
- ii) Interview letter No. RC(R) 14/93/421
Dated Barapani 21st February 1994.

Respected Sir,

With reference to the subject cited above, I would like to request you that I have appeared in the interview for the post of Technical Officer (T-6), Entomology on 19.3.94, held at ICAR Research Complex, Hq., Barapani. My interview was very satisfactory and now I have come to know through some reliable sources that I have been selected for the above said post. I also understand that the appointment letters have already been issued to some of the candidates who appeared in the interview for various disciplines against the same advertisement.

Therefore, I request you that if my selection is also made against the above said post, formal appointment order may kindly be issued to me at the earliest possible so I could work more smoothly against the regular post as my carrier is at stake now.

Thanking you,

Yours faithfully,

D Kumar
9.3.95

(D. Kumar)
Research Associate
AIC RP on Rodent Control
Division of Entomology.

Accessed.

M. K. Cany
Associate.

*Forwarded
Office
9/3/95*

Central Administrative Tribunal
केन्द्रीय प्रशासनिक अदालत
34221 JUL 1995
GUWAHATI

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31

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

IN THE MATTER OF :

O.A. No.80 of 1995

Shri D. Kumar

- Versus -

Union of India & Others.

Filed by
Shankarade
19/7/95
Central Govt. Standing Council
Central Administrative Tribunal,
Guwahati Bench, Gauhati.

- AND -

IN THE MATTER OF :

Written Statements submitted by
the Respondent No.1, 2 and 3.

WRITTEN STATEMENT

The humble respondents submitted their ^{case} written statement as follows. Before submitting parawise reply of the application the respondents beg to state that there is no cause of action of the applicant for filing this application before the Hon'ble Tribunal as the result of the interview held by the respondents has not yet been announced and as such, the application is liable to be dismissed.

1/2
1/2
1/2
1/2

1. That, with regard to the statement made in paragraph 1 of the application, the respondents beg to state that the claim made by the applicant in regard to his application to the post of T-6, Tech. Officer (Entomology) at ICAR Research Complex for NEH Region, Barapani is still under process which has been already taken up with the Council HQ, New Delhi

seeking certain clarification vide this office letter No. RC (R) 14/94, dated 5-4-95 (Annexure-I) and the decision of the Council HQ in this regard is still awaited.

2. That, with regard to the statement made in paragraph 2 and 3 of the application, the respondents have no comment.

3. That, with regard to the statements made in paragraph 4.1 of the application, the respondents have no comment. The same being matter of records.

4. That, with regard to the statement made in paragraph 4.2 of the application, the respondents beg to state that the applicant is true to the extent that he is a Research Associate under the Rodent Control Project. As per the terms and conditions offered to him as a Research Associate, it is clearly mentioned (Clause No.8) that "the fellowship should not be considered as a regular employment in ICAR and this will not confer any right or claim whatsoever for regular appointment or otherwise in ICAR" (Annexure-IV). Hence, he has never been considered as a regular employee in ICAR to claim any service benefit, age relaxation to enter into a regular appointment in any service. As per his age certificate, he was found over aged as prescribed in the Advertisement No. RC(R) 14/93 dated 20-8-93.

5. That, with regard to the statement made in paragraph 4.3 of the application, the respondents beg to state the same is true to the extent that the post of Tech. Officer, T-6 (Entomology) was advertised in the leading news papers including the Employment News vide Advt. No. RC (R) 14/93 dated 20-8-93 (Annexure-II).

6. That, with regard to the statement made in paragraph 4.4 of the application, the respondents beg to state that the same is true to the extent that the applicant was called for the interview and appeared before the Interview Board on 19-3-94.

7. That, with regard to the statement made in paragraph 4.5 of the application, the respondents beg to state that the proceedings of a Selection Committee/Interview Board is strictly a confidential document and it is to our utter surprise as to how the applicant could claim that he was selected for the post of Tech. Officer, T-6 (Entomology) and his position in the merit list at Sl.No.1, since he could not substantiate his claim with supporting documents. As per the procedure followed in this Institute since inception, necessary approval is used to be obtained from the higher authority of the Council HQ for appointment to the post of T-6 and accordingly the same procedure has been followed in this present instant case. In this particular instant case, the Council HQ has not conveyed its approval in clear terms as done in earlier cases, but informed the Respondent No.3 that the Director of the Institute being the appointing authority for T-6 grade is competent to deal such cases vide ~~kxxx~~ their letter No. F. No.11(7)/94 Estt.IV dated 4-8-94 (Annexure-III). Therefore, the Respondent No.3 being the competent authority in this issue, had to examine the entire pros and cons of the Selection Committee proceedings in course of which certain anomalies were noticed as already mentioned at para 1 above. Therefore, the statement made by the applicant is not correct.

8. That, with regard to the statement made in paragraph 4.6 of the application, the respondents beg to state that the same is not correct, in the sense that a candidate after appearing in any interview may expect his selection, but he can not claim as a matter of legitimate claim for his appointment as stated by the applicant. As regards the validity of the period of 1 (one) year, since the matter is still under process thereby it is obvious that the period will be extended for another six months if admissible under rules in force.

9. That, with regard to the statement made in paragraph 4.7 of the application, the respondents beg to state that the same is not true to the extent that it is not obligatory on the part of the appointing authority to appoint any incumbent simply for appearing in any interview and thereby the claim of the applicant for his appointment does not appear to be genuine without considering the pros and cons of the issue in relevance to the rules in force. Since the matter is still under process, the question regarding the validity of the period of appointment will be examined in due course as per rules in force.

10. That, with regard to the statement made in paragraph 4.8 of the application, the respondent beg to state that the same is not correct. The respondent~~s~~ is not sleeping over the matter as claimed by the applicant which is already explained in the preceding paragraph and the applicant can not claim his appointment as a matter of right until the matter is decided by the competent authority as per rules in force.

contd.....5

11. That, with regard to the statement made in paragraph 4.9 of the application, the respondents beg to state that the same is not correct. The applicant's claim that the respondent is sitting over the matter without assigning any reason has no authenticity and thereby his claim is totally not acceptable to the respondents. As regards the appointment of a few candidates, it is true to the extent that there were different groups of candidates for different categories of posts on different agricultural subjects and different Selection Boards constituted for the purpose, have conducted the interview at different stages and as such, the candidates who fulfilled all the terms and conditions as per the advertisement and qualified suitably in order to merit were only considered as per availability of number of vacant posts and reservation quotas etc.

12. That, with regard to the statement made in paragraph 4.10 of the application, the respondents beg to state that the same is not correct. It is not obligatory on the part of any appointing authority to answer on the representations of the candidates, since selection of candidates and appointment thereof is strictly a confidential matter until appointment order is issued. It is a question of interrogation as to how and from what source he could know that he was selected as he could not substantiate his claim with supporting documents about his selection. As the result of the interview for the post has not been declared till today and as such, the application of the applicant is liable to be dismissed. Thereby, the applicant's claim deserves no admittance at all in the Court of Law. Therefore, there is no question of

discrimination in violation of Article 14 and 16 of the Constitution of India as claimed by the applicant.

13. That, with regard to the statement made in paragraph 4.11 of the application, the respondents beg to state that the claim made by the applicant that some vested interested groups are acting behind the screen is totally false, baseless and imaginary one.

14. That, with regard to the statement made in paragraph 5 of the application regarding grounds for relief with legal provision, the respondents beg to state that none of the grounds are maintainable in law as well as in facts and as such, the application is liable to be dismissed.

15. That, with regard to the statement made in paragraph 6 and 7 of the application, the respondents have no comment.

16. That, with regard to the statement made in paragraph 8 of the application regarding the relief sought for, the respondents beg to state that the applicant is not entitled to any one of the reliefs sought for in this application and as such, the application is liable to be dismissed.

17. That, with regard to the statement made in paragraph 9 of the application regarding interim order prayed for, the respondents beg to state that the applicant is not entitled to any interim order from the Hon'ble Tribunal in view of the facts and circumstances narrated above.

18. That, the respondents beg to state that the application has no merit and as such, the same is liable to be dismissed.

VERIFICATION.....

VERIFICATION

37

I, Dr. S. Laskar (Son of late Sarada Ch. Laskar, Bahawalipur (Majher) agartain, Tripura) Director, ICAR Research Complex for NEH Region, Barapani, residing at Barapani, P. S. Union, Dist. Dima Hasri, Meghalaya, do hereby verify that the contents made above are true to the best of my personal knowledge and belief and I have not suppressed any material facts.

Place : Barapani

Date : 15.6.95


Signature.

Confidential

ANNEXURE - I

29/4

24-Regl AD

... however there is a...
... of the candidates for the post of...
... Dr. Manoj Kumar...
... **UMROI ROAD, BARAPANI, MEGHALAYA 793 103.**

No. URC(R) 14/94 Dt. Barapani, the 5th April, 1995.

To Thereby, it appears that there is no...
... against the **The Secretary,**
... **Indian Council of Agricultural Research,**
... **Krishi Bhavan,**
... **New Delhi - 1.**

Subject: Discrimination against the appointment of OBC for the post of T-6.

Reference: Your letter F.No. 10(5)/95-Estt.IV, Dt. 23.3.95.

Sir,

With reference to the letter on the subject cited above I am to forward herewith 3 (three) photostatic copies of the proceedings of the Selection Committee Meeting for favour of your kind perusal. A copy of the Advertisement against the said selection is also forwarded herewith.

In this connection, I would like to state as follows,

1. As per advertisement the post of Farm Manager T-6 (Poultry/Agro) 2 (two) posts were shown out of which 1 (one) post was reserved for SC. But as per the proceeding of the Selection Committee, both the candidates were selected belonging to the Other Backward Classes community, while the advertisement was made without any provision for the Other Backward Classes, since the said advertisement was made before issuing the circular for reservation for Other Backward Classes by the Govt. of India.
2. As per the advertisement, only one post of Training Associate T-6 (Agro) was shown and the said post has been filled up by appointing the first candidate of the merit list. Thereby the appointment of the remaining candidates could not be issued, since there was only one post as per the advertisement.
3. As per the advertisement, 2 (two) post of Tech. Officer T-6 (Ento) were advertised showing both the post as Un-reserved. But so far as the case of Shri D. Kumar is concerned, he was found overaged for which his case could not be considered for appointment.

Contd....2/-

Official Seal
Sr. CAS
19/7/95

Moreover there is a controversy/complaint against the selection of the candidate for the post of Technical Officer (S-6) Entomology against which Dr. Mahesh Kumar has submitted a representation which was already forwarded to the Council HQ and further communication in this regard is still awaited.

Thereby, it appears that there is no such discrimination made against the appointment of OBC candidates and other so far this Office record goes.

However, it is requested to kindly advise the undersigned as to whether the said appointment could be issued under the aforesaid anomalies.

An early reply is requested.

Yours faithfully,


(S. LASKAR)
DIRECTOR

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INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research Complex for N.E.H. Region
UMROI ROAD: BARAPANI: MEGHALAYA.

2

25-11

NO. RC 14/93
Dtd. 8.93

The Director, ICAR Research Complex for N.E.H. Region,
Barapani invites applications from Indian Nationals for following
Technical posts:-

1. Farm Manager T-6 (Poultry/Agronomy) - 2 posts (1 for SC)
 - a) Place of posting - Poultry (Lembucherra - Tripura) and for agronomy - Basar (Arunachal Pradesh).
 2. Technical Officer T-6 (Entomology) - 2 posts (Unreserved)
 - a) Place of posting - ICAR Barapani.
 3. Extension Officer T-6 (Extension) - 1 (one for ST)
 - a) Place of posting - ICAR Barapani.
- I) Essential Qualification: i) Bachelor's Degree in relevant field. (ii) Five Years' experience of Extension/Training and development in the relevant field.
- II) Desirable Qualification: i) Master's degree in the concerned subject. (ii) Knowledge of local language. (iii) Research experience in rodent for the post Technical Officer (Entomology).
4. Training Associate (T-6) - 14 (fourteen) posts (Reserved for SC - 7(seven) and for ST - 2 (two))
 - a) Place of posting - Home Science (KVK-Tripura/KVK-Tura/KVK-Nagaland/KVK-Sikkim) Animal Science (KVK-Tripura/KVK-Tura/KVK-Sikkim/KVK-Arunachal Pradesh). Agronomy (KVK-Tripura) Crop Production (KVK-Tura/TTC-Nagaland) Agril. Communication (TTC-Nagaland) Horticulture (TTC-Nagaland/KVK-Arunachal Pradesh)
- I) Essential Qualification: i) Bachelor's degree in the relevant field. (ii) Five Years' experience of extension/training and development in the relevant field.
- II) Desirable Qualification: i) Master's degree in the concerned subject. (ii) Knowledge of local language.
5. Technical Assistant (T-4)-Fishery - one post (Reserved for SC)
 - a) Place of posting - ICAR Barapani.
- I) Essential Qualification: i) Bachelor's degree in Fishery Science. (ii) Three years' experience in Extension/Training/Development Research in the field.
- II) Desirable Qualification: - M.Sc. in Zoology with Fishery as special subject/Fishery Science.

Attested
C Secy Sr. CS SC
19/7/95

..... 2/-

6. Artist (T-4) - 1 (one) post (Un-reserved)
- Place of posting - ICAR Barapani (Extension)
 - Essential Qualification : i) Bachelor's degree in Fine Arts. (ii) Three years experience in Art works relating to Agril. Extension.
7. Training Assistant (T-4) - 6 (six) posts (Reserved for SC - 2 two) and for ST - 2 (two)
- Place of posting - Agronomy -(KVK-Nagaland)
Home Science - (KVK-Arunachal Pradesh/KVK-Tripura)
Agril. Engineering-(KVK-Sikkim) A.V. Aids (Extn.)-KVK -Tura.
Horticulture (K.V.K.-Tura).
 - Essential Qualification : i) Bachelor's degree in the relevant field.
- II) Desirable Qualification : i) Master degree in the relevant field. (ii) Knowledge of local language.

The Scale of pay for all T-6 posts is Rs. 2200-75-2800-EB-100-4000/- p.m. and for all T-4 posts is Rs. 1640-60-2600-EB-75-2900/- p.m.

GENERAL INFORMATION

- Age limit for the T-6 grade posts bearing scale of pay of Rs. 2200-4000/- is 35 years. For T-4 grade posts bearing scale of pay of Rs. 1640-2900/- is 30 years as on 1.1.93. Age relaxation 5 years shall be allowed to Scheduled Caste and Scheduled Tribe candidates and other exempted categories like Ex-serviceman etc. as per rule framed and instructions issued from time to time by the Indian Council of Agricultural Research/Govt. of India. There will be no age limit for the employees of ICAR.
- Candidates applying for the posts carrying scale of pay of Rs. 2200-4000/- and Rs. 1640-2900/- will have to pay an application fee of Rs. 20/- (Twenty) only in the form of Crossed Indian Postal Order drawn in the name of Director ICAR Research Complex for N.E.H. Region, Barapani payable at GPO, Shillong. Candidates belonging to SC/ST community are fully exempted from paying application fee.
- The posts are temporary, but likely to continue for indefinite period. Intending candidates should submit their applications giving advertisement no., name of post (disciplinewise), item No. etc., as per the application format given below :-

APPLICATION FORMAT

- a) Advertisement No.
- b) Post applied for (giving serial number)
- c) Name in full (BLOCK letters)
- d) Father's/Husband's name
- e) Full Address
 - i) Address for correspondance
(With pin code in English)
 - ii) Permanent address (With PIN)
- f) Nationality
- g) Marital status (Single or married)
- h) Whether belongs to SC/ST, Ex-serviceman/
physically handicapped (Attested copies
of such certificates from the competent
authority should be enclosed with the
application)
- i) Date of birth (in Christian Era as
recorded in the Matriculation/School
leaving Certificate)
- j) Age as on 1.1.1993
- k) Educational qualifications (From
Matriculation/HSLC onwards in details
with attested copies of relevant
certificates) and marksheets)
- l) Experience if any (With attested
copies of certificates)
- m) employment Exchange Registration No.
- n) Postal order No. date and value
- o) List of documents attached.

N.B. :- The application should be neatly typed in English or Hindi language.

I do hereby declare that all statements made in the application are true, complete and correct to the best of my knowledge and belief. In the event of any information being found false or incorrect, my candidature/application may be cancelled/terminated without any notice.

(Full signature of the candidate)

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Contd
Request

292

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN : NEW DELHI

F.NO.11(7)/94 Estt.IV

Dated : 4/8 August, 94.

To,

The Director,
ICAR Res. complex for NEH Region,
Umroi Road,
Barapani-793103 (Meghalaya)

Sub:- Forwarding of Proceeding of Selection Committee
for the post of Training Associate T-6.

Sir,

With reference to your Office letter No.RC(R)14/93 dated 31.5.94 on the above mentioned subject. I am to say that Director of the Institute being appointing Authority for T-6 grade is competent to deal such cases. The original proceeding of Selection Committee for the post of Training Associate is enclosed.

Yours faithfully,

J. Chd
(JAGDISH CHANDER)
UNDER SECRETARY (J)

Received without any
enclosures
Com
18/8/94

Offical

File of CSIC
19/7/95

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ANNEXURE - IV

(199)

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INDIAN COUNCIL OF AGRICULTURAL RESEARCH.
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
"CEDAR LODGE", JOWAI ROAD, SHILLONG - 3

No.RC(R) 1/83

Dated Shillong, the 26th May, 1985

M E M O R A N D U M

The Director, ICAR Research Complex for N.E.H. Region, Shillong is pleased to offer a Fellowship as Research Associate to Dr/Shri. **Dhrubendra Kumar**.....under All India Coordinated Research Programme on Rodent Control Scheme at a monthly fixed fellowship @ Rs.600/- (Rupees six hundred) only for initial two years and @ Rs.700/- (Rupees seven hundred) only for the third year based on the terms and conditions indicated in the Annexure-I to this Memorandum, with effect from the date of joining.

If this offer of Research Fellowship is acceptable to Dr/Shri. **Dhrubendra Kumar**.....as per terms & conditions prescribed, he should furnish his joining report to the Director through the Scientist Incharge, Division of Entomology, ICAR Research Complex for N.E.H. Region, Shillong within 21 days from the date of issue of this offer. In the event of his failure to join the fellowship within the specified period, this offer will stand automatically cancelled.

Sd/- M.N. Sharma
Asstt. Admn Officer (Admn)

Memo No.RC(R) 1/83

Dated Shillong, the 26th May, 1985

Copy to :-

1. Dr./Shri **Dhrubendra Kumar**, C/o Singh Medical Store, Aizalgarh, Bijnor (U.P) 246722. C/o Scientist I/C Entomology, Shillong.....
2. Asstt. Director General(P), Indian Council of Agricultural Research, Krishi Bhavan, New Delhi - 110001 for favour of kind information with reference to his letter No.7-3/81-PP dated 17th January, 1983.
3. Dr. S.K. Gangwar, Scientist In-charge (Entomology), ICAR Research Complex for N.E.H. Region, Shillong for information.
4. Acc-ounts Officer, ICAR Research Complex for N.E.H. Region, Shillong for information.
5. Asstt Admn Officer(BC)/Asstt Admn Officer (DD Cell), ICAR Research Complex for N.E.H. Region, Shillong.
6. Superintendent(Admn), ICAR Research Complex for N.E.H. Region, Shillong for information and opening personal file of Dr/Srhi. **Dhrubendra Kumar**.....
7. Cash Branch (internal)

Handwritten signature

Handwritten signature
Sr. CGSC
27/7/85

Handwritten signature

(M.N. Sharma)
Asstt. Admn Officer (Admn)

Handwritten initials

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24TERMS & CONDITIONS OF FELLOWSHIP FOR RESEARCH ASSOCIATE

1. Terms and conditions governing grant of fellowship will apply as decided by the ICAR.
2. The Research fellow is not allowed to accept or hold some other fellowship/studentship/appointment during the tenure of fellowship. In case the Research Fellow is already the recipient of some other scholarship/fellowship of a subsequent date during the period of his fellowship, he shall not accept or draw the same and surrender to the authority awarded it. If the research fellow has already been awarded fellowship/scholarship/student-ship from some other sources and have also drawn the same, he will be required to refund the amount received during the currency of this fellowship to the authority concerned.
3. The fellowship holder is required to devote his whole time to the approved research programme and will not be allowed to accept or hold another appointment paid or otherwise. If he is holding a part-time/casual employment/engagement the fellowship will take effect from the date from which he resigns that employment/engagement or join this fellowship whichever is later.
4. The research fellow will have to work under the guidance and supervision of the Scientist In-charge of Entomology Division/Principal Investigator. He will submit six monthly and annual report of his progress to the Principal Investigator for review of his progress and in case, his progress is found unsatisfactory, the fellowship will be liable to be terminated prematurely without previous notice and assigning any reason thereof.
5. All insects collected and research done during the period of the fellowship will best with the ICAR and should be deposited to the Principal Investigator. Fellow will not be permitted to directly involve in any exchange or sending any research material to any individual or Institute or Agency for any purpose. All such correspondence will be routed through the Principal Investigator for whose decision will be binding upon the fellow.
6. The research fellow will have to furnish an undertaking to the effect that he will not leave the fellowship at least for two years.
7. The research fellow will have to furnish his original certificates in respect of his age, qualification, etc., at the time of his joining.
8. The fellowship should not be considered as a regular employment in ICAR and this will not confer any right/claim whatsoever for regular appointment and/or otherwise in ICAR.
9. The fellowship is subject to observance of discipline and maintenance of good conduct. Decision/order of the Director on this count will be final and binding upon the research fellow.

Okend
Law
Sr. C.S.C.
.....19/7/95

28 NOV 1995

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH :
GUWAHATI

O.A. No. 80/95

Shri D. Kumar

- Versus -

Union of India & Others.

REJOINDER TO THE WRITTEN STATEMENT FILED BY THE RESPONDENTS

The applicant begs to state as follows :

1. That the applicant has gone through the copy of the Written Statement filed by the respondents and has understood the contents thereof. Save and except the statements which are specifically admitted hereinbelow, other statements are categorically denied. Further the statements which are not borne on records are also denied. In view of the statements made in the Written Statement, it has become absolutely necessary to call for the relevant records of the case for which there is already a prayer in the O.A. In this connection, the applicant most respectfully prays that the relevant case file No.RC(R) 14/94 of the Recruitment Cell may be called for, which will throw light on the issues involved in the case.

2. That with regard to the statements made in paragraph 1 of the Written Statement, the applicant does not admit anything contrary to the relevant records. It is denied that any clarification necessary in the matter inasmuch as vide Annexure-III, necessary approval was already given to the respondent No.3 and as such, there was no necessity to refer the case once again. Even after such, the applicant has not

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Filed by the applicant through
D. M. M. R.
A. M. R. R.
Shri B. K. Sharma
28-11

been appointed to the post to which he is entitled to, on the other hand as pointed out in O.A. 146/95 (S. Verma & Ors. Vs. UOI & Ors.) and O.A. 137/95 (D. Kumar Vs. UOI & Ors.), the respondents without exhausting the select list of the instant case have gone ahead for making appointment to identical post which are not permissible under the relevant rules. In this connection, reference may be made to O.A. 146/95 ^{and O.A. 137/95} and the applicant craves leave of the Hon'ble Tribunal to refer to and rely upon the same at the time of hearing of the instant O.A.

3. That with regard to the statements made in paragraphs 2 and 3 of the Written Statement, while denying the contentions made therein, the applicant reiterates and reaffirms the statements made in the O.A.

4. That with regard to the statements made in paragraph 4 of the Written Statement, while denying the contentions raised therein, the applicant begs to state that the applicant was appointed as a Research Associate under the All India Co-ordinated Research Programme on Rodent Control Scheme on 6.5.85. At that time, it was a planned project. Subsequently it was converted to a non-planned project in 1986-87 and after such conversion also, the applicant has been serving in the said project, his service being required there. For the last more than 10 years, the applicant has been drawing his pay from the same head from which the other employees of the Institute are drawing their salaries. The project was started in 1984 and he is still continuing and after its conversion to a non-planned one, it will continue

permanent and indefinitely. It will be pertinent to mention here that for other adhoc project/planned projects, the fund are separate and are released by the Funding Agencies from time to time. Adhoc projects are time bound and after completion of projects, the remaining fund is sent back to the concerned Funding Agency.

For all practical purposes, the applicant has been working in the ICAR as a regular employee and before his selection by the duly constituted Selection Board all the datas relating to him were scrutinised and at no point of time, the question of he being over aged was raised. Thus it is the genuine apprehension of the applicant that such a question has been raised for the first time in the Written Statement by the then Director Dr. S. Laskar to frustrate the claim of the applicant. In this connection, the Annexure-I letter dated 5.4.95 written by the said Director to the Secretary, ICAR may be referred to. The said letter was written in reference to the Council Headquarter letter dated 23.3.95. In the said letter dated 23.3.95, there is no reference about the age of hte applicant but it was only in respect of alleged discrimination in appointment of OBC etc. Thus the situation regarding the age of the applicant is the creation of the then Director, ICAR.

A copy of the said letter dated 23.3.95 is annexed as ANNEXURE-B.

In the above context, the applicant further begs to state that after the conversion of the aforesaid project to

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a non-plan one making it a part and parcel of the ICAR project, the applicant has become an employee of the ICAR. Be that as it may, it will be pertinent to mention here that hte applicant apart from the Project works was allotted with other works having responsibility. To mention a few, the applicant was entrusted with the duties of Assistant Director (Official Language) for the period 6.6.92 to 11.5.94. He was nominated as a member of the Editorial Board vide order dated 26.4.93. He was nominated as a member of the Committee constituted for scrutinising the quotation relating to printing of ICAR Annual Report/Bulletin vide order dated 9.6.93. He was made a member of the Purchase Committee of the ICAR vide order dated 26.8.93. He was nominated as a member of the Selection Committee constituted for conducting the interview for hte post of Hindi Typist vide order dated 6.9.93. He was nominated as a member of the Screening Committee constituted for scrutinising the applications for the post of Asstt. Director (Official Language) vide order dated 23.11.93.

It will be pertinent to mention here that for Agricultural Research Service conducted on National level, age limit is 30 years and for any service candidate of ICAR relaxation upto 35 years. The applicant was allowed to appear in the said examination held in December 1987 although at the time his age was more than 30 years. Thus age relaxation was given to him by the Agricultural Scientist Recruitment Board. If such relaxation could be granted, there is no reason as to why the applicant could not be granted the relaxation in question. The applicant

has been paying the Meghalaya Professional tax from his salary as paid by all regular employees. Furthermore, the applicant as a Research Association is getting HRA, Medical Benefits, leave etc. as per ICAR rules considering his pay as basic and salary. These things cannot be considered in case of person who are not the employee of ICAR. The type of works entrusted to the applicant apart from his normal duties in the project indicated above are only illustrative and not exhaustive. Apart from those works, the services of the applicant have been utilised by the ICAR as its regular employee.

In the above backdrop, the applicant is entitled to age relaxation and he was rightly selected by the Selection Board. In several such cases in the past, age relaxation was granted by the ICAR. In this connection, mention may be made of Shri Ram Murthy and Shri Pokrin presently working as Technical Assistant and Cashier respectively. In the recent past on being granted such age relaxation to Smti. A. Goswami, applicant in O.A. 46/95 has been appointed in the ICAR as a Junior Clerk although initially even after her selection her case was rejected on the ground of being over-aged. It is really unfortunate that the respondents could raise such plea of age bar after utilising the services of the applicant for more than 10 years. Even if it is held that the applicant is not a regular employee, the applicant will be entitled to age relaxation being a temporary employee of the ICAR and the terms and conditions referred to by the respondents in the Written Statement (Annexure-IV) mentioning regular employment thereby

indicating that in case of adhoc and temporary employees age relaxation is permissible.

5. That with regard to the statements made in paragraphs 5 and 6 of the Written Statement, while denying the contentions made therein, the applicant reiterates and reaffirms the statements made in the O.A.

6. That with regard to the statements made in paragraph 7 of the Written Statement, while reiterating and reaffirming the statements made in paragraph 4.5 of the O.A., the applicant begs to state that the results are not displayed on Notice Board as per the practice of the ICAR. Even in the case of those T-6 candidates who have been issued with the offer of appointment during November 1994, January 1995 and April 1995, results were not made public. In this connection, the candidates who have been appointed are mentioned below :

November 1994 H.D. Singh - Horticulture
V. Kenny - Home Science,
K. Asolo - Home Science,
Dr. W. R. Singh - Animal Science

January 1995 A.K. Khan - Agronomy

April 1995 Asit Chakraborty - Poultry

Out of the above candidates, Shri Asit Chakraborty was appointed on 20.4.95 inspite of interim order dated 17.4.95 passed by this Hon'ble Tribunal. The aforesaid persons have been appointed against the same advertisement, selection proceeding which was approved in the meeting dated 19.6.94. In their case also, the results were not made public. If

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they can be appointed, there is no earthly reason as to why the applicant could not be appointed. The then Director of ICAR (Respondent No.3) Dr. S. Laskar was ~~the~~ only Incharge and could not have done away with the recruitment procedure taking recourse to irrelevant consideration. The D.G., ICAR had even warned ^{him} for resorting to ^{transfer} ~~approval~~ of officers. As regards the Annexure-I document to the Written Statement which is in reference to letter dated 23.3.95, it is stated that the said letter has mentioned certain extraneous and irrelevant things which are not at all relevant in the context of the letter under reference dated 23.3.95 issued by the Council Headquarter.

Copis of the said documents dated 3.1.95 and 23.3.95 are annexed herewith as ANNEXURE-A and B respectively.

Thus the entire action on the part of the then Director was founded on malafide and colourable exercise of power.

6. That with regard to the statements made in paragraphs 8,9 and 10 of the Written Statement, while denying the contentions made therein, the applicant reiterates and reaffirms the statements made in the O.A. The respondents cannot act in an arbitrary manner and with unreasonableness.

8. That with regard to the statements made in paragraph 11 of the Written Statement, it is denied that there are different Selection Board. The respondents are called upon

to substantiate their claim by producing the relevant records. If the candidates mentioned by the respondents could be appointed, there is no earthly reasons as to why the applicant could not be appointed. There cannot be any pick and choose basis in the matter of appointment ; moreover when there is subsequent selection for appointment to analogous post clearly indicating that there are vacancies to be filled up to which the applicant could very well be appointed from the earlier select list.

9. That with regard to the statements made in paragraphs 12 to 17 of the Written Statement, the applicant while denying the contentions made therein, reiterates and reaffirms the statements made hereinabove and in the O.A.

9. That under the facts and circumstances stated above, the instant O.A. deserves to be allowed with cost.

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

I, Shri ~~D. Kumar Venka~~ ~~Verma~~, the applicant in O.A. No. 88/95, do hereby solemnly affirm and verify that the statements made above are true to my knowledge and belief and I have not suppressed any material facts.

And I sign this verification on this the 28th day of November 1995.

Dhruvendra Kumar

TELEX _____ EXPRESS _____ TELEGRAM _____

THE DIRECTOR
AGRICOMPLEX
SHILLONG

PHQ.22(51)/94 Estt.IV

REFOLET & TELEX NO.22(51)/94-ESTT.IV DATED 2.12.94 AND
15.12.94 REGARDING CANCELLATION OF TRANSFER ORDER OF
DR. V.K. SACHAN T-7 FROM SIKKIM CENTRE TO ARUNACHAL
CENTRE (.) DG, ICAR HAS DESIRED TO KNOW AS TO WHY
TRANSFERS ARE BEING MADE BY THE OFFICIATING DIRECTOR
(.) HE HAS ORDERED THAT ALL TRANSFER AT NEH SHILLONG
MAY BE STOPPED IMMEDIATELY (.) REPORT COMPLIANCE
IMMEDIATE (.)

SODHI SINGH
AGRISEC

M.T.T.

DATED : 3rd Jan, 95.

Sd/-
(SODHI SINGH)
ICAR
KRISHI BHAWAN
NEW DELHI-1

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ANNEXURE-B

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAVAN : NEW DELHI

No. 10(5)/95 Estt.IV Dated the 23rd March 1995

To

The Director,
ICAR Res. Complex for NEH Region,
Barapani, Meghalaya,

sub. : Discrimination against the appointment of
other Backward Classes & SC for the post of T-
6 (2200-4000) in ICAR Research Complex for NEH
Region, Barapani, Meghalaya.

Sir,

I am directed to forward herewith the
representation of OBC and Scheduled Caste Forum on the
subject cited above. It is requested that your comments
in this matter may be furnished to the Council
immediately.

Yours faithfully,

Sd/-

(SODHI SINGH)
Under Secretary (S)

20/11/95
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