

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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Disposed date- 8/7/98

MP-26/98 ordersheet PG-1

Date-17/2/98

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA NO: 8/1/95

PK Singh

Applicant

Vs.

Union of India & Rs.

Respts.

PRESENTS

HON'BLE MR JUSTICE M G CHAUDHARI, VICE CHAIRMAN
For the applicant; Mr. B.K. Sharma, M.K. Choudhury, S. Sarma, Adv.
For the respts. : Mr. A.K. Chaudhury, Addl. CGSC.

DATE ORDER
: By 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
-s 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
26.4.1995 as per the prevalent rules and

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 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 till the select list would expire and thus 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 urged in the application need not be mentioned at this stage.

17.4.95

would thus

Prima facie it thus appear that as a consequence of exigencies of the notified vacancies, and invitation of applications valid by interview and preparations of the select list the applicants would have legitimately expected to be appointed before they lost their chance by allowing the panel to be expired. It is clear from this extract of the select list that the candidates were selected under a main list and some candidates were wait-listed. It is therefore difficult to gather as to what for what reason the respondent No.3 has not appointed 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 applicants 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. submits that he has not so far received any advance instructions from the respondent No.3 and he will 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, to the respondents to show cause as to why the application 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 applicants 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/-

(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 ~~in~~ then 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 appointment of the applicants, if necessary after 26.4.95. However, whether any such ~~exp~~ extension is contemplated should be 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.

Requisites are found
e issued by speed post to
R.W. 3 & by Regd. A.M.
to R.W. 12 & vide
M-1649-51 dt. 18.4.95

Sd/- M.G.CHAUDHARI
VICE CHAIRMAN

18/4

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

At the request of the learned counsel for the respondents adjourned to 22.5.1995 for admission. The interim order dated 17.4.1995 will continue to operate until further orders.

4.5.95

Memorandum
sent to S.Ali, Sr. SGSC.

Dhoni

pg

LL
Vice-Chairman

60
Member

22-5-95

None present for the applicants. Although Mr.B.K.Sharma has filed leave note there is no reason 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 and Addl.C.G.S.C. is present he says that now Mr.S.Ali is in charge of the matter, Mr.S.Ali is not present at the moment. Under the circumstances we are constrained to adjourn the O.A. to 29-5-95.

LL
Vice-Chairman

60
Member

lm

30-5-95

No show cause reply has been filed by the respondents till to-day. Application is admitted. Issue ~~xx~~ regular notices to the respondents. Written statements in 8 weeks. Interim order continued until further orders. Written statement in within four weeks. O.A. is adjourned for orders to 3-7-95.

Notice issued vide
No. 2625-27 D. 22-6-95

hsc
Vice-Chairman

lm

dp
Member

3-7-95

At the request of Mr. S. Ali Sr.C.G.S.C. adjourned to 21-8-95 for counter.

hsc
30/6

hsc
Vice-Chairman

dp
Member

Mr. S. Ali, Sr.C.G.S.C. filed memo of appearance. 29-8-95

lm

Adjourned to 11-9-95.

hsc
30/6

hsc
Vice-Chairman

dp
Member

1) Service reports are still awaited.

2) W/ statement has not been filed.

14-3-96

Mr. S. Ali, Sr.C.G.S.C. for the respondents ~~xx~~ is present. List for hearing on 15-5-96.

hsc
30/6

dp
Member

21-7-95 lm

W/S due from Mr. Ali
by Report. 1, 2 and 3

11.9.95

After 29.11.95. *Pd*

hsc

OFFICE NOTE	DATE	ORDER
<u>28.11.95</u> Nigandu to the W/S. Submitted b/w. 1m Respondents.	13-3-96	List for hearing on 14-5-96. <i>60</i> Member
<u>29.11.95</u> Addendum to 28.1.96.	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. <i>60</i> Member
<u>29.1.96</u> Hearing on 14.3.96	21-6-96	None for the applicant. Mr. G. Sarma Addl. C.G.S.C. is present for the respondents. Case is ready for hearing. List for hearing on 19-7-96. <i>60</i> Member
<i>b/w</i> <i>b/w</i>	19.7.96	Leave note of Mr. S. Ali. List for hearing on 19.8.96. <i>60</i> Member
<i>Statement of Respondents b/w</i>	19.8.96	Mr. S. Sarma for the applicant. Mr. S. Ali, Sr. C.G.S.C./Mr. A.K. Choudhury, Addl. C.G.S.C. for the respondents. Written statement has been submitted. Copy to be served on the opposite party. List for hearing on 16.9.96. <i>60</i> Member
<i>trd</i> <i>19/18</i>		

OA/TA/CP/RA/MP No. of 19

OFFICE NOTE	DATE	ORDER
W/S. & Rejoinder has been filed	16.9.96 <i>trd 9/6/96</i>	Mr. S. Sarma for the applicant. Mr. A.K. Choudhury, Addl. C.G.S.C. for the respondents. List for hearing on 10.10.1996. <i>6a</i> Member
	10.10.96 <i>nkm</i>	Learned counsel Mr. S. Sarma for the applicant. Learned Sr. C.G.S.C. Mr. S. Ali for the respondents. List for hearing on 28.11.96. <i>6a</i> Member
W/S. & Rejoinder has been filed	8-4-97 <i>pg 9/11</i>	Learned counsel Mr. S. Sarma for the applicant and Mr. S. Ali, Sr. C.G.S.C. for the respondents are present. List for hearing on 7-5-97. <i>6a</i> Member <i>JB</i> Vice-Chairman
20.5.97 The case is ready for hearing. <i>20/5</i>	7.5.97 <i>pg 8/5</i>	This case relates to Meghalaya. List the case for hearing at Shillong during the next sitting of the Bench at Shillong. <i>6a</i> Member <i>JB</i> Vice-Chairman

Case No. 92/27

22-6-97

List on 22-6-97 for hearing of case no.

Member

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Member


Vice-Chairman

100

50

22-6-97 ~~Case No. 92/27 for hearing of case no.~~

~~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.~~

~~are~~

~~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.~~

~~Case No. 92/27 for hearing of case no.~~

62

Member


Vice-Chairman

100

4.7.97

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.

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Member

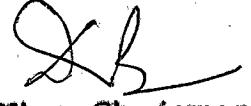

Vice-Chairman

trd
S.Ali

✓

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. Baruah, 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. Tribhuwan 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 Shatrujan Verma & ors (O.A.No.146/95)Applicants

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

- versus -

Union of India and othersRespondents

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

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.

SD/- VICE CHAIRMAN
SD/- MEMBER (A)

17 APR 1995

175

Guwahati 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. 81 of 1995

Shri Tribhuwan Kumar Singha ... Applicant

- Versus -

The Union of India & Others Respondents

I N D E X

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For use in Tribunal's Office :

Date of filing : 17-4-95

Registration No. : OA 81/95

REGISTRAR

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: : GUWAHATI BENCH

O. A. NO. OF 1995

BETWEEN

Shri Tribhuwan Kumar ~~Singh~~ Sinha
At present working as Training Asstt. (T-4), Agronomy,
Indian Council Agricultural Research,
Sikkim.

... Applicant

AND

1. The Union of India,
represented by the Secretary to the
Govt. 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 directed not against any particular order but for a direction for appointment of the applicant as Training Asstt. (T-6), Agronomy/ Crop Production in the Indian Council of Agricultural Research (ICAR), Barapani. The application is also directed against deemed rejection of the representations of the applicant to the ~~the~~ above fact.

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, Advocate

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, protections and privileges guaranteed by the Constitution of India and the laws framed thereunder.

4.2 That the applicant obtained M.Sc. in Agricultural Zoology with specialisation in Agricultural Entomology. Recently he has submitted his thesis for degree of Doctor of Philosophy to Burdwan University, West Bengal. He entered into the services of ICAR as Training Assistant (T-4), in the year 1984 pursuant to his selection for the post. Eversince 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 Training Associate T-6, Agronomy/Crop Production. Be it stated here that the said advertisement was published in the leading newspaper including the Employment News.

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

4.4 That the candidature of the applicant having been accepted, he along with many others were invited for an interview to adjudge the suitability. The applicant appeared before the Interview Board duly constituted for the purpose of 21.3.94 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 Training Associate, T-6, Agronomy/Crop Production and his position in the merit list appeared at Sl. No. 3. 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 his letter No. F. NO. 11979/94. Estt. IV dated 4.8.94. In the letter, it was indicated that the respondent No. 3 being the appointing authority is competent to deal with 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 herewith 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 Training Associate (T-6). By now, almost a year has elapsed since the preparation of the merit list. To the best of knowledge of the applicant, the final select list of the

selected candidates was prepared on 26.4.94 and if this date is taken into account, the merit list will complete one year on 26.4.95. As per the prevalent rules and practice in the ICAR, such a select list loses its force on expiry of one year unless it is extended. Such power of extension is vested with the authority for six months.

4.7 That the applicant being faced with such situation and when he has not been appointed to the selected post, made representation before the authorities urging for his appointment to the post. But till date neither he has been appointed nor he has been replied to. In the process the select list is likely to expire the validity on 26.4.95. It is under these circumstances, the applicant has come under the protective hands of this Hon'ble Tribunal.

A copy of the representation dated 10.3.95 is annexed herewith as ANNEXURE: D.

4.8 That the applicant states that there is no impediment against his appointment as Training Associate T-6, Agronomy/Crop Production and the respondents by sleeping over the matter cannot deprive the applicant from being appointed as such. As already stated above if the date of preparation of the select list taken into account, then in that case the select list will expire on 26.4.95. In such an eventuality the applicant will be deprived of his legal

right of being appointed to the selected post.

4.9 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 applicants 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 discipline 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 ~~as~~ to the selected post. The respondents cannot appropriate and reprobate.

4.10 That the applicant states that apart from the aforesaid representation, he has made several personal representation 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 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 groups 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 applicant to the selected post.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that there is no earthly reasons as to why the applicant should not be appointed 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

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impediment against the applicant, there has been violation of Articles 14 and 16 of the Constitution of India.

5.4 For that the respondent 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 by way of an ~~appropriate~~ 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 respondent towards the representations submitted by the applicant, it is clearly established that some extraneous consideration 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.

6. DETAILS OF REMEDIES EXHAUSTED :

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

**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 Court of law and/or any other Bench of the Hon'ble Tribunal in respect of which this application has been filed 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 ~~to~~ 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 Training Associate, T-6(Agronomy/Crop Production) in the Indian Council of Agricultural Research, Barapani with retrospective effect with all consequential benefits.

(ii) Cost of the application ;

(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. : 8-03-861447
(ii) Date : 9/3
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification.....

25
- 3 10 :-

VERIFICATION

I, Shri Tribhuwan Kumar Sinha, son of Shri M.K. Sinha, aged about 39 years, at present working as Training Assistant (T-4), Agro at Kendriya Vigyan Kendra, Sikkim do hereby solemnly verify and state that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraphs 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.

Tribhuwan Kumar Sinha

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

GYM - 0101/93/ 28/07/93, No

EN - 4-11/01/93

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 (Lembucher - 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 a special subject/Fishery Science.

Attested.

M. K. Chetry
Advocate.

..... 2/-

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

a) Place of posting - ICAR Barapani (Extension)

i) 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)

i) 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).

ii) 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

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 (discipline wise), item No. etc., as per the application format given below :-

contd....3

Attested.

M. K. Chetry
Advocate.

ANNEXURE B

gauravagals

*GH
Copy of*

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN : NEW DELHI

2.0.1. (7)/94 Estt. IV

Dated 4th August, 94.

To,

The Director,
ICAR-Res. Complex for NEB Region,
Krishi Bhawan,
Jorhat 781001 (Assam)

:- 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 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.G.
(JAGDISH CHANDER)
UNDER SECRETARY (J)

*Received with int on
Enclosures*

dx/3804

Assesed.

*M.K. Chetry
Accounts*

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

Si 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) <u>A. Main List</u> Poultry						
	1. Sh. Dr. Amit Chakrabarty, M.Sc.(Zo)			B. V. Sc & A. B. H. V. Sc. (LPM) Ph. D (LPM)	Working as Vet. Asstt. Surgeon in Distt. of An. Husbandry, Udaipur, Tripura (S) from 20.6.86 to till date.	
2. Tech. Officer (T-6) <u>A. Main List</u> Entomology						
	✓ 1. Sh. Dhruvendra Kumar	13.03.52		B. Sc, H. Sc Ph. D	Working as Research Associate in IICR on Rodent from 6.5.85 to till date.	
	✓ 2. Sh. Ram Vilas Kushwaha	15.07.63		B. Sc (AG- AH) M. Sc Ag. Ento.	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	28.10.60		B. Sc Ag & M. Sc Ento. P. Hd	Working as Research Associate in project on Leech-Infestation Control since 1988 to till date.	
3. Farm Manager (T-6) <u>A. Main List</u> Agronomy						
	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./Ento. from 22.7.87 to till date in T.T.C. Nagaland.	

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

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

Attested.

M. K. Chay
Advocate

15-

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

Sl. No.	Name of the post	Name of the can- didates	Date of birth	Qualifications	Experience if any	Remarks
						7
1	2	3	4	5	6	
1.	Trg. Asstc (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. Kabut	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	16.07.63	B.Sc Ag & M.Sc Ph.D (Hort)	Working as Trg. Asstt. (T-4) Hort from 27.2.90 to till date.	
2.	Trg. Asstc (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 Sole	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	05.04.66	B.Sc (H.Sc)	Working as Instructor in Balashiksha Trg. Instt. Jaypur from 1.12.88 to till date.	
		4. Sh. Bhawanti Dnc	01.02.64	M.Sc (H.Sc)	Working as Lecturer in D.K. Girls' College Mirza, Kamrup from Sept'88 to till date.	
3.	Trg. Asstc (T-6) A. 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) A. Sc from 1.6.87 to till date in K.V.K. Nagaland.	
4.	Trg. Asstc (T-6) Acre/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 25x 9.10.87 to till date in K.V.K. Sikkim.	
		3. Sh. T.K. Sinha	20.11.55	B.Sc (Ag) M.Sc Agro Zool	Working as Trg. Asstt. (T-4) Agro. from 1984 to till date in KVK Sikkim.	
		4. Sh. K.S. 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. 24.....

2	3	4	5	6
<u>B. Waiting List</u>				
1. Sh. Guruprasad Kar	18.07.60	B.Sc(Ag)	Working as T-4 (Bort) from 29.7.87 to till date in KVK Tripura.	
2. Sh. R.P. Shankarwar	31.10.52	B.Sc(Ag)	Working as Tech. Officer (T-5) from 1990 at CIRNP, 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. Jaisinath 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.

14) Please record your source of extension/training and development in the relevant field.

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

Accession
MK Clay
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ANNEXURE- D

To,
The Director,
I.C.A.R.Complex for N.E.H.Region,
Umroi Road, Barapani,
Meghalaya-793103.

(Through Proper channel)

Sub:- Selection in the Post of T-6 (Training Associate)

Reference:- Advertisement No. RC(R)14/93 Dated 20th August 93.

Interview held on 21st March 1994 March 1994.

Respected Sir,

With reference to the subject cited above, it is my humble request to bring the following fact to your kind notice:-

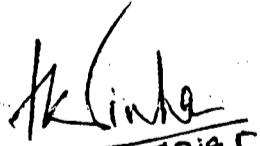
I have appeared for an interview for the post of T-6 Training Associate Crop Production on 21st of March 1994 at Barapani Head quarter of I.C.A.R.Complex for N.E.H.Region.

I have further come to know that I too have been selected against the post of Agronomy/Crop Production, Training Associate, but till date no appointment letter of this effect have been issued to me. However some of the selected candidates have been issued the appointment letter and consecutively they have joined their new post.

Therefore it is requested sir that if I have been selected for the post mentioned earlier the formal appointment order may kindly be issued at the earliest.

With regards Sir,

Yours faithfully


10/3/95

(T.K. Sinha)

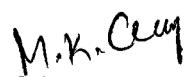
T-4 (Agronomy)

K.V.K.

Sikkim.

Received at 3.30 P.M.
Monyla
10.3.95

Attested.


M.K. Chetry
Advocate.

21 JUL 1995

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Guwahati Bench
গুৱাহাটী বিভাগৰ বৰ্ষ

-18-

File No 33
Filed by

K. Shaikhab
19/7/95

Central Govt. Pending Cases
Central Administrative Tribunal
Guwahati Bench, Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF :

O.A. No.81 of 1995

Shri Tribhuwan Kumar Singha

- Versus -

Union of India and others.

- AND -

IN THE MATTER OF :

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

WRITTEN STATEMENT

The humble respondents submitted the 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. 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, Trg. Asso. (Agronomy/Crop Production) at ICAR Research Complex for NEH Region, Barapani is still under process which

has already been taken up with the Council HQ, New Delhi seeking certain clarifications 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 statements made in paragraph 2 and 3 of the application, the respondents have no comment.

3. That, with regard to the statement made in paragraph 4.1 and 4.2 of the application, the respondents have no comment. The same being matter of records.

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

5. 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 21-3-94.

6. That, with regard to the statement made in paragraph 4.5 of the application, the respondents beg to state that proceedings of a Selection Committee/Interview Board is strictly a confidential document and it is to their utter surprise as to how the applicant could claim that he was selected for the post of Trg. Asso., T-6 (Agronomy/Crop Production) and his position in the merit list at Sl.No.3,

since he could not substantiate his claim with supporting documents. As per the procedure followed in the 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 the 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 respondents No.3 that the Director of the Institute being the appointing authority for T-6 grade is competent to deal such cases vide 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.

7. 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.

8. 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.

9. That, with regard to the statement made in paragraph 4.8 of the application, the respondents beg to state that the same is not correct. The respondent 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.

10. 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 of merit were only considered as per availability of number of vacant posts and reservation quotas etc.

11. 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 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.

12. 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.

13. 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.

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

15. 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.

16. 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 ~~as~~ above.

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

VERIFICATION....

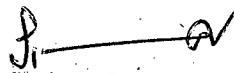
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VERIFICATION

9

I, Dr. S. Laskar (Son of Late Sarada Ch. Laskar,
Banchalipur (Megharaj) Agartala, Tripura) Director, ICAR
Research Complex for NEH Region, Barapani, residing at
Barapani, P. S. Umiam, Dist. Ri-Bhoi, 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


Signature.

Date : 15.6.95

Confidential ANNEXURE - I

2010

However there is a complaint regarding the selection of the candidates for the post of Farm Manager T-6 (Agro) in the name of Dr. Mahesh Kumar, a SC candidate, who was appointed on 24th March 1995 at the address: 10, U.M.R.T. ROAD, BARAPANI, MEGHALAYA 793103. The said appointment was made without any reservation for the SC.

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

To: Thereby, it appears that there is no such provision for the SC candidates in the advertisement of the The Secretary, Officer of Indian Council of Agricultural Research, Krishi Bhawan, to bindly appoint the said appointment.

However New Delhi - 100001 could be taken as the address for the said appointment.

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 thanks and thanks.

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/-

Attested

Chair
Sr. C.I.S.C
17/2/95

Moreover there is a controversy/complaint against the election of the candidates for the post of Technical Officer (C-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.

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.

Old age
 for Sr. 105 C
 12/7/95

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

(a) Place of posting - ICAR Barapani (Extension)

(i) 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)

(i) 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).

(ii) 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

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 excepted 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 :-

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)

4. All posts carry usual allowances, pensionary and other benefits as per Central Govt. Rules mutatis-mutandis followed in ICAR From time to time. The posts are non-government.

5. Persons who are already serving in Govt. and semi-Government organisation/public Sector Undertaking/Autonomous organisations etc. should apply through their present employers.

6. Candidates called for interview for the posts bearing pay scale of Rs. 1640-2900/- and above, and unemployed scheduled caste/Scheduled Tribe candidates for all the posts will be paid travelling expense equivalent to Second-class railway fare.

7. Original certificates and marksheets should not be submitted alongwith the application, but should be brought if and when called for interview, Attested copies of certificates about age, educational qualifications, experiences and cast etc. should, however, be submitted alongwith the application.

8. A passport size photograph duly attested by a Gazetted Officer should invariably be enclosed with the application.

9. Separate application alongwith separate postal orders and photograph should be sent if a candidate wants to apply for more than one category of post.

10. When called for interview, the candidates will have to appear before a Selection Committee at a place and date(s) to be notified in due course.

11. Applications received late and in incomplete form will not be considered. No correspondence will be entertained with the candidates. Non fulfilment of requirements as laid down in the advertisement will not rest any right in the candidates nor disqualify the candidate for the post applied for.

12. Preference will be given to the candidates belonging to Ex-servicemen and physically handicapped and those from North Eastern Hill Region.

13. The number of posts and places of posting are subject to change.

14. The last date for receipt of the application is two weeks (15 days) from the date of advertisement.

15. The applications complete in all respect should reach the Administrative Officer, ICAR Research Complex for N.E.H. Region, Umroi Road, Barapani - 793 103, Meghalaya within the date specified as above.

ONLY INDIAN NATIONALS NEED APPLY.

Attested
for S.C.GSC
19/7/95

I.K. SHARMA
ADMINISTRATIVE OFFICER

19/8/95
20

13-29-1993
Annexure III

~~Copy
Recd~~

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INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN : NEW DELHI

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

Dated 4th 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.G.C.
(JAGDISH CHANDER)
UNDER SECRETARY (J)

Received without any
enclosure
Com 18/8/94

Answered
C.S. 05/05/95
19/2/95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH
GUWAHATI

28 NOV 1995

Guwahati
Bench

99
O.A. No. 81/95

Shri T.K. Sinha

- 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

B. Melkha 28/11
Bx. Sinha
28 Nov 1995
Bx. Sinha
Bx. Sinha

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, 3, 4 and 5 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 6 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 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.

Copies 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.

5. That with regard to the statements made in paragraphs 7,8 and 9 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.

6. That with regard to the statements made in paragraph 10 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.

7. That with regard to the statements made in paragraphs 11 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.

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

Verification.....

VERIFICATION

I, Shri Tribhuban Kr. Sinha, the applicant in O.A. No. 81/95, 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,

TK Sinha

(Tribhuban Kr. Sinha)

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3/4
ANNEXURE-A

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 CONCELLATION 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

*After 2 days
M/S 2/95*

7
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)

GMRK
CM/PSB
29/3