

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

10

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

**GENERAL ADMINISTRATIVE TRIBUNAL
GUMMATI BAZAR**

On 12/82/95

R. K. Kishore

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... ..
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... ..

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

165
INVESTIGATIVE

contd... 2/-

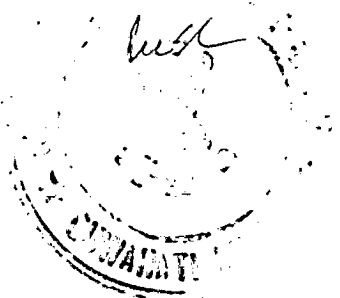
17.4.95

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 appointment 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 ^{as} urged in the application need not be mentioned at this stage.

contd... 3/-



17.4.95

✓ Prima facie it ^{would 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 instruction from the respon-
dent No.3 and he will ~~be~~ have to seek
✓ instruction 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, ^{separately in each application - 1 -} issue notice,
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/-

1874

(5)
O.A. 82/95.

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

Memo of appearance
filed by Mr S. Ali
S. case.

pg

22-5-95

22-5-95

None present for the applicants.
Although Mr. B.K. 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.G.S.C. is present ^{and} he says that
now Mr. S. Ali in charge of the matter,
Mr. S. Ali is not present at the moment.
Under the circumstances we are constrain
ed to adjourn the O.A. to 29-5-95.

[Signature]

Vice-Chairman

[Signature]
Member

lm

[Signature]

Vice-Chairman

[Signature]

Member

O.A. 82/95

30-5-95

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

[Signature]

Vice-Chairman

[Signature]

Member

Notice issued vide no. 2628-30 & 22.8.95
lm

[Signature]

[Signature]

3-7-95

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

Memorandum of appearance filed by Mr. S.Ali Sr. C.G.S.C.
[Signature]

lm

[Signature]

Vice-Chairman

[Signature]

Member

w/ statement has not been filed

29-8-95

Adjourned to 11-9-95.

[Signature]

Vice-Chairman

[Signature]

Member

lm

21-7-95

29.11.95 Adjourned to

w/s submitted by Respdt. 1, 2 and 3.

29.1.96.

[Signature]

11.9.95

29.1.96

for leading on 14.3.96

Attn 29.11.95.

[Signature]

[Signature]

28.11.95

Agreement to the w/s submitted by the respondents

[Signature]

14-3-96

Mr. S. Ali, Sr. C.G.S.C. for the respondents is present. List for hearing on 8-5-96.


Member

lm

15.5.96

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.


Member

pg


17.10.96

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

List for hearing on 4.12.96.


Member

pg


17/10

2.5.97

Counsel for the parties are present. List for hearing on 13.6.97.


Member

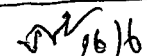

Vice-Chairman

pg


5/5

16.6.97

Adjourned. List on 14.7.97.

By order

16/6

Service reports are still awaited

20/5/96 Statist & Refers to his in G.W.

16/10

14.5.97

The case is ready for hearing.

on 17/5-

23-6-97

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.

Member

Vice-Chairman

lm

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.

Member

Vice-Chairman

trd
A/7

O.A. 82/95

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 costs.


Member


Vice-Chairman

u

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. 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 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

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
176
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. 82 of 1995

Shri Ramvilas Kushwaha ... Applicant

- Versus -

The Union of India & Ors. ... Respondents

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For use in Tribunal's Office

Date of filing : 17.4.95
Registration No. : OA. 82/95

REGISTRAR

Recd. copy
AK Choudhary
Adell C/S C
17/4/95

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O.A. NO. _____ of 1995

BETWEEN

Shri Ramvilas Khshwaha,
C/O Rani Store, Bishnupur,
Shillong-793004.

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

Contd...P/2.

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

4.2 That the applicant obtained his M.Sc. degree in Agriculture with specialisation in Entomology in the year 1987. He entered into the service of the ICAR at Barapani in June 1988 as Research Associate. He fulfills all the essential and desirable qualifications for being appointed as Technical Officer, T-6 in Indian Council of Agricultural Research.

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. The applicant, pursuant to the said advertisement, applied for the post of Technical Officer, T-6, Entomology. 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 and marked 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 on 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 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. 2. 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. Extt.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 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) and thus he will have the opportunity to join a service with better prospect than the one he is holding at present. Be it stated here that the

applicant is presently working as Senior Research & Assistant in Central Silk Board at Shillong. 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 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 26.4.94. 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, urged before the authorities requesting 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.

4.8 That the applicant states that there is no impediment against his appointment as Technical Officer (T-6) Entomology 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 is alone taken into account, then in that case the select list will expire on 26.4.94. In such an eventuality, the applicant will be deprived of his legal right of being appointed to the selected post.

Contd...P/5.

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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 applications, holding selection for the post and approval of the select list cannot hold back and/or back out from their own promises 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 to the selected post. The respondents cannot approbate and reprobate.

4.10 That the applicant states that he has made several personal representations before the respondents and all along has been assured that issuance of the appointment letters 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 the Articles 14 and 16 of the Constitution

of India. Needless to say that Governmental Agencies are also 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 ~~expectation~~ 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 applicant to the selected post.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that there is no earthly reason 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 impediment against the applicant, there has been violation of Article 14 and 16 of the Constitution of India.

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 ~~and~~ 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 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 personal representations submitted by the applicant, it is clearly established that some extraneous considerations are the foundation 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 in respect of which this application is filed 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 :

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

Contd...P/9.

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. No. : 803-883916
- (ii) Date : 24-3-75
- (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 Ramvilas Kushwaha, aged about 31 years, son of Late Ram Chandra, resident of Bishnupur, Shillong, the applicant herein ~~he~~ do hereby 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 paragraph 5 are true to my legal advice, and I have not suppressed any material fact.

And I sign this verification on this the 14th day of April 1995. x

R. V. Kushwaha
(Ram vilas Kushwaha)

-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

Date - 07/01/93 / 28/07/93, 95

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/
KVK-Tura/KVK-Sikkim/KVK-Arunachal Pradesh) 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.

M. K. Ojha
Advocate.

..... 2/-

- 2 -

12

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 - Astronomy - (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. 1640-60-2600-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 (disciplinewise), item No. etc., as per the application format given below:-

contd....3

Attested.

M. K. [Signature]
Advocate.

ANNEXURE B*9/28/94 Nagal**CH*
Agarwal

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN : NEW DELHI

P. C. I. (7)/94 Ext. IV

Dated: 4th August, 94.

The Director,
ICAR Res. Complex for NEH Region,
Imphal, NEH,
Pin-793101 (Naghalaya)

:- Forwarding of Proceeding of Selection Committee
for the post of Training Associate T-5.

With reference to your Office Letter No. 20(R) 14/93
of 31.5.94 on the above mentioned subject. I am to say
that the Director of the Institute being appointing Authority
of T-5 grade is competent to deal such cases. The original
proceeding of Selection Committee for the post of Training
Associate is enclosed.

Yours faithfully,

J. Chandra
(JAGDISH CHANDER)
UNDER SECRETARY (C)

*Received with int. and
enclosures*
21/8/94

21/8/94

Attested.

M. K. Chaudhary
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. Kabui	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. 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 Balasabika Trg. Instt. Jaypur from 1.12.88 to till date.	
		4. Sh. Shaswati Das	01.02.58	M.Sc (H.Sc)	Working as Lecturer in D.K. Girls' College Mirza, Kharup from Sept'83 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 27.7.87 to till date in K.V.K. Sikkim.	
		✓ 3. Sh. T.K. Sinha	20.11.55	B.Sc (Ag.) M.Sc Ag. Zoo	Working as Trg. Asstt. (T-4) Agro. from 1984 to till date in KVK Sikkim.	
		4. Sh. M.K. 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. 20.....

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) Poultry	<u>A. Main List</u> 1. Sh. Dr. Amit Chakraborty	21.11.63	B.V.Sc & A.N. M.V.Sc.(IPM) Ph.D(IPM)	Working as Vet. Asstt. Surgeon in Deptt. of An. Husbandry, Udaipur, Tripura(S) from 20.6.86 to till date.	
2.	Tech. Officer(T-6) Entomology	<u>A. Main List</u> 1. Sh. Dhruvenara Kumar 2. Sh. Ram Vilas Kushwaha	13.03.52 15.07.63	B.Sc, M.Sc Ph.D B.Sc(AG-AH) M.Sc Ag.Ento.	Working as Research Associate in AICRP on Rodent from 6.5.85 to till date. Worked as a Research Associate from 30.6.88 to 30.11.92. 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.	
		<u>B. Waiting List</u> 3. Sh. Mahesh Kumar	28.10.60	B.Sc Ag & M.Sc Ento. P.Hd	Working as Research Associate in project on Rodent Control since 1988 to till date.	
3.	Farm Manager (T-6) Agronomy	<u>A. Main List</u> 1. Sh. R.C. Sachan 2. Sh. S. Verma	01.03.59 28.12.59	B.Sc(Ag.Hous) M.Sc Ag.Eco B.Sc (Ag)	Working as Trg. Asstt. (T-4) Agro from 1.1.91 to till date. 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. Choudhary
Advocate.

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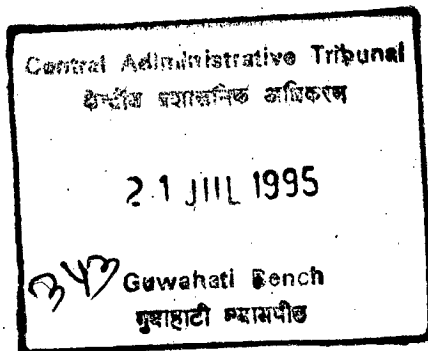
1	2	3	4	5	6
<u>B. Waiting List</u>					
1.	Sh. Guruprasad Kar	18.07.60	B.Sc(Ag)		Working as T-4 (Hort) from 29.7.87 to till date in KVK Tripura.
2.	Sh. R.P. Shankhwar	31.10.52	B.Sc(Ag)		Working as Tech. Officer (T-5) from 1990 at CIHP, Lucknow.
3.	Sh. J.L. Singh	30.01.59	M.Sc(Ag)		Working as T-4 (Agro) 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. Ojha
 Advocate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI.

IN THE MATTER OF :

O.A. No.82 of 1995

Shri Ramvilas Kushwaha

- Versus -

Union of India and others

- AND -

IN THE MATTER OF :

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

WRITTEN STATEMENT

R
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10/7
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The humble respondents submitted their *file* 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

contd....2

of T-6, Tech. Officer (Entomology) 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 statement 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 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).

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 19-3-94.

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 Tech. Officer T-6 (Entomology) and his position in the merit list at Sl. No.2, since he 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 respondent 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 thereof is strictly a confidential matter untill 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 statements 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 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 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.....

⁷ VERIFICATION

I, Dr. S. Laskar (Son of Late Sarada Ch. Laskar, Bonmalipur (Highpur) Agartala, Tripura) Director, ICAR Research Complex for NEH Region, Barapani, residing at Barapani. P.S. Union, Dist. Mokokchung, 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

S. Laskar
Signature.

Confidential

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However there is a controversy/ complaint against the selection of the candidates for the post of Technical Officer (T-6) Poultry Road, BARAPANI, MEGHALAYA 793 103. This regard is still awaited.

No. URC(R) 14/95
Dt. Barapani, the 5th April, 1995
To The Secretary,
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi - 110 002.
However the said appointment could be issued under the aforesaid subject.

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,

Yours faithfully,

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/-

Offered

For

Sr. CGSC

19/7/95

Moreover there is a controversy/complaint against the election of the candidates for the post of Technical Officer (P-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 ORG 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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9 8 Annexure II

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

-25- 40

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.

..... 2/-

Offsted
For S. CGSC
19/7/95

26- (3)

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)
 - 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. 1640-60-2600-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 exepcted 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

27- (4) 42
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 correspondence
(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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WB (5)
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 along with 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 along with the application.
 8. A passport size photograph duly attested by a Gazetted Officer should invariably be enclosed with the application.
 9. Separate application along with 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. Mere fulfilment of requirements as laid down in the advertisement will not rest any right in the candidates or 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.

Oked

*File - 8.45C
19/2/95*

I.K. SHARMA
ADMINISTRATIVE OFFICER

20/8/93

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Annexure III
292
Ctd
Regd
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.G.J.
(JAGDISH CHANDER)
UNDER SECRETARY(J)

Received with out any
enclosures
8/8/94

Offeskd -
File - Sr. C.A.S.C
9/7/95

28 NOV 1995

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH
GUWAHATI

O.A. No. 82/95

Shri R. Kushwaha

- 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. Menon, Advocate
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 2,3,4 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 :

<u>November 1994</u>	H.D. Singh - Horticulture V. Kenny - Home Science, K. Asolo - Home Science, Dr. W. R. Singh - Animal Science
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<u>January 1995</u>	A.K. Khan - Agronomy
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<u>April 1995</u>	Asit Chakraborty - Poultry
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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.

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.

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.

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

I, Shri Ram Vilas Kushwaha, the applicant in O.A. No. 82/95, 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.

R. V. Kushwaha
(Ram Vilas Kushwaha)

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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 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

Attchd
Mm
28.11

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250.5

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 Secsretary (S)

Attended
Am
mm
28.11