

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.1093/2018

New Delhi this the 15th day of March, 2018

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Dr. Virender Kumar Verma, (Group 'A')
Age about 48 years, S/o Sh. Mange Ram,
R/o 417, E-Block, Vatasala Pardadise, Shiv Nagar,
Near Krishi Upaj Mandi,
Jabalpur-482002. ...Applicant

(By Advocates: Shri M.K. Bhardwaj and Ms. L. Gangmei)

Versus

1. Union of India through Secretary,
Department of Agriculture
Cooperation and Farmers Welfare
Krishi Bhawan, New Delhi-110001.
2. Union Public Service Commission
Through Secretary
Dholpur House, Shahjahan Road
New Delhi-110003.
3. Dr. Dharamvir Singh Yadav
S/o Late Shri Kanwar Singh Yadav
R/o WZ-121, Affariya Niwas Village
Todarpur, P.S. IARI
Pusa, New Delhi-110012.
4. Shri Kshirod Kumar Dash
Jt. Director, Crop Division,
Room No. 432-B,
Ministry of Agriculture and Farmers Welfare,
Krishi Bhawan
New Delhi-110001. ...Respondents

(By Advocate: Shri Satish Kumar)

ORDER (ORAL)**Justice Permod Kohli:**

Notice. Shri Satish Kumar, learned counsel appears and accepts notice on behalf of respondent Nos. 1 and 2.

2. In response to advertisement No.03/2017 dated 11.02.2017 inviting online applications for direct recruitment by selection for the post of two Regional Directors, National Center of Organic Farming, Ghaziabad, Department of Agriculture and Cooperation, Ministry of Agriculture and Farmers Welfare. Out of the two advertised posts, one is reserved for OBC and one for un-reserved category. The applicant who claims to possess necessary qualifications applied under the OBC category for the post and participated in the selection process. The result of the candidates was declared on 13.09.2017. The name of the applicant was recommended by UPSC as is evident from the communication dated 07.09.2017 (Annexure A-2). The said communication is reproduced as under:-

“With reference to your application for the above recruitment, I am directed to say that you have been recommended to the The Secretary to Government of India, Deptt. of Agriculture & Co-operation & Farmers Welfare, Ministry of Agriculture & Farmers Welfare, Krishi Bhawan, New Delhi-110011 for the post as mentioned above. Further

correspondence if any in this regard may be addressed to that Department.

2. I am however, to make it clear that the offer of appointment will be made to you only after the Government have satisfied themselves after such enquiry as may be considered necessary that you are suitable in all respects for appointment to the service and that you are in good mental and bodily health and free from any physical defects likely to interfere with the discharge of your duties. The offer of appointment will also be subject to such conditions as are applicable to all such appointment under the Central Government."

3. Consequent upon the selection of the applicant for the post in question, the Ministry of Agriculture and Farmers Welfare, Department of Agriculture and Co-operation and Farmers Welfare wrote to the Chief Medical Officer, Government Seth Govind Das (Victoria) District Hospital, Victoria Road, Tularam Chowk, Jabalpur for medical examination of the applicant. The applicant appeared for the medical examination. The grievance of the applicant is that despite completion of the entire process, no offer of appointment has been made to him. The applicant has made various representations. Some of them are placed on record as Annexure A-5 (Colly). The last being 08.02.2018. Even these representations have not been considered by the respondents.

4. Shri Satish Kumar, learned counsel who appears on advance notice, however, submits that the respondent No.3 also claims to be eligible and has filed OA No.3915/2017. It is, however, admitted position that no stay has been granted by this Tribunal in the OA filed by respondent No.3. It is admitted position that the applicant has been recommended for appointment as against respondent No.3. We find no reason to deny the appointment to the applicant.

5. In any case, the applicant has made representations. The respondents are duty bound to take decision thereon. This OA is disposed of at the admission stage with a direction to respondent No.1 to take decision on the representation of the applicant on the basis of her selection/recommendation and in accordance with law within a period of one month from the date of receipt of a copy of this order. Needless to say that the respondent No.1 would pass reasoned and speaking order.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

/vb/