

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

OA No.3667/2013

This the 30th day of May, 2016

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

Dr. Ashok Kumar Sarial,
S/o Sh. Bidhi Chand,
Aged about 54 years,
Associate Professor,
Genetics & Plant Breeding,
Haryana Agricultural University Campus,
Kaul, District: Kaithal,
Haryana-136021

.... Applicant

(By Advocate: Shri Sanjeev Joshi)

Versus

1. Indian Council of Agricultural Research,
Through its Director General,
Krishi Bhawan,
New Delhi-110014.
2. Agricultural Scientists Recruitment Board,
Through its Chairman,
Krishi Anusandhan Bhawan-I,
Pusa, New Delhi-110012.

.... Respondents

(By Advocate: Shri S.S. Lingwal)

ORDER(ORAL)

Hon'ble Mr. Justice Permod Kohli

The applicant was working as Assistant Professor at Haryana Agricultural University (HAU), Hissar. In the year 2010 the Agricultural Scientist Recruitment Board (ASRB) advertised the post of Principal Scientist

(Plant Breeding) in the pay scale Rs.16400-22400/- at Regional Research Station, Palampur under Indian Grassland and Fodder Research Institute (IGFRI), Jhansi. The selection was to be done by ASRB purely on the basis of interview. The interview was conducted on 15.1.2010. The ASRB selected the applicant for the said post and recommended him for appointment (page 31 of the paper book). Despite his selection, the applicant could not get the appointment letter. The applicant submits that the reasons for denying him the appointment letter were not made known to him. He filed a query under RTI to know the reasons. In response to the said query, respondent No.1 informed the applicant vide impugned communication dated 15.02.2011 (Annexure A-1) that his candidature has not been accepted by the competent authority to the said post as he was not free from vigilance/administrative angles and a criminal case was still pending against him and therefore, the question of issue of appointment order did not arise.

2. The pendency of the criminal proceeding is not disputed. Learned counsel for the applicant however, submits that the criminal proceedings were initiated in the year 2001 when he was posted at Regional Rainfed Lowland Rice Research Station (RRLRRS) Gerua (Assam). From the Annexure A-8 order dated 28.11.2001 of ICAR, which has been placed by the applicant on record, it appears that the applicant was appointed to the post of officer-in-charge of RRLRRS, Gerua under the Central Rice Research Institute (CRRI) for a period of 5 years. On account of allegation of trespassing and physical molestation of another Scientist's wife, his tenure was terminated/curtailed as per the provisions of Rule 14 of ARS rules. He was repatriated to his parent organization i.e. HAU, Hissar. The applicant challenged the Annexure A-8 order dated 28.11.2001 before the Guwahati Bench of this Tribunal in OA-466/2001, who vide order dated 09.04.2002

allowed the OA and quashed the Annexure A-8 order dated 28.11.2001. The respondents challenged the CAT's order in Writ Petition (Civil) No.2424/2002 before Hon'ble Guwahati High Court. The Hon'ble High Court upheld the Annexure A-8 order of termination of tenure but ordered deletion of para (6) of the said order. Pursuant to the Hon'ble High Court order, the respondents vide order dated 29.07.2002 (Annexure A-10) deleted the para (6) from the Annexure A-8. The applicant was acquitted of the criminal charge on 31.5.2012 by JMFC, Hajo, District Kamrup (Assam).

3. The post of Principal Scientist (Genetics and Plant Breeding), IGFRI was re-advertised and one Shri Dilip Kumar Verma came to be selected and appointed to the said post. He joined the said post on 06.08.2013.

4. We have heard learned counsel for the parties. The reliefs claimed by the applicant read as under:-

"Prayer:

- a) Direct the respondents for issuance of order of appointment on his selection to the post of Principal Scientist in the pay scale of Rs.16400-22400/- at Regional Research Station, Palampur under Indian Grassland and Fodder Research Institute, Jhansi by Agricultural Scientists Recruitment Board in view of his selection on dated 15.01.2010.*
- b) Direct the respondents to consider his eligibility at best as on the date he was acquitted from the criminal case as per his eligibility, suitability and for his contribution to the nation in Agriculture field.*
- c) Pass such other and further orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice."*

5. There was only one vacancy which was duly advertised and selections made against it. As noticed above, one Dilip Kumar Verma was selected and appointed, and is presently holding the post. Neither the second advertisement and process of selection has been questioned in the present OA, nor Mr.Dilip Kumar Verma, a duly selectedcandidate, who is in occupation of the post, has been impleaded as a party respondent. In the absence of any challenge to the second advertisement and non-impleadment of Dilip Kumar Verma, no relief can be granted to the applicant on the basisof his earlierselection made in the year 2010. `

6. ThisOA is accordingly dismissed. No order as to costs.

(K.N. Shrivastava)
Member(A)

/rb/

(Justice PermodKohli)
Chairman