



CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. OA 350/258/2017

Date of order : 25.4.2017

Present: Hon'ble Mr.A.K.Patnaik, Judicial Member

**DR. SUSHMITA DAS**

D/o Sri Sunil Kumar De,  
R/o HB/13/8 Crescent Co-operative,  
Sector - III,  
Salt Lake City,  
Kolkata - 700106.

...APPLICANT

VERSUS

1. Union of India, through  
The Ministry of Science & Technology,  
Technology Bhavan,  
Mehrauli Road,  
New Delhi - 110006.
2. Director General,  
Council of Scientific & Industrial Research,  
Anusandhan Bhavan,  
2 Rafi Marg,  
New Delhi - 110001.
3. Director,  
CSIR,  
Indian Institute of Chemical Biology,  
4 Raja S.C.Mullick Road,  
Jadavpur,  
Kolkata - 700032.
4. Administrative Officer,  
CSIR,  
Indian Institute of Chemical Biology,  
4 Raja S.C.Mullick Road,  
Jadavpur,  
Kolkata - 700032.

...RESPONDENTS.

5. Dr. Susanta Kar,  
Working as Scientist,  
CSIR - Central Drug Research Institute,  
Sector - X,  
Jankipuram Extension,  
Sitapur Road,  
Lucknow - 226031.
6. Dr. Sumanta Dey,  
Working at Postdoctoral Associate,  
Dept. of Biological Engineering,  
Massachusetts Institute of Technology,  
Cambridge, USA,  
Sumantadey824@gmail.com.

...PROFORMA RESPONDENTS.

For the applicant : Mr.B.R.Das, counsel  
 Mr.B.P.Manna, counsel  
 Mr.S.Bhattacharjee, counsel

For the respondents: Mr.P.Bajpayee, counsel

O R D E R

A.K.Patnaik, J.M.

Heard Mr.B.R.Das, ld. Counsel along with Mr.B.P.Manna, ld. Counsel and Mr.S.Bhattacharjee, ld. Counsel appearing for the applicant and Mr.P.Bajpayee, ld. Counsel appearing for the respondents.

2. This OA has been filed by the applicant challenging inaction and/or non-action on the part of the respondent authorities, under Section 19 of the Central Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) Rescind, recall, withdraw and/or amend the order being Annexure A in so far as it relates to the candidates selected as against the unreserved posts of Sr. Scientist.
- b) Reconsider the case of the petitioner and consider her selection as against a post of Sr. Scientist.
- c) Certify and transmit the entire records and papers pertaining to the applicant's case so that after the causes shown thereof conscionable justice may be done unto the applicant by way of grant of reliefs as prayed for in (a) and (b) above.
- d) Costs.

3. According to Mr.Das, ld. Counsel for the applicant, the sum and substance of the case is that the applicant was appointed as an Assistant Professor in the Dept of Micro-Biology at All India Institute of Medical Sciences at Patna in 2013. Since her appointment she was deployed in research work relating to Cellular Immunology and molecular mechanism of hos-pathogen interaction involved in the pathogenesis of visceral Leishmaniasis (Kala-azar). The applicant applied for a post of Sr. Scientist as per advertisement dated 14.6.2015 by the CSIR - Indian Institute of Chemical Biology and her application was duly forwarded by the AIIMS at Patna. As per result published on 15/16.2.2017 one Dr.Susanta Kar was selected as Sr. Scientist with much less experience in the field of Leishmaniasis than the applicant and for another post Dr. Sumanta Dey was selected who had no experience in the field of

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Leishmaniasis, which was essential for the purpose of appointment as per advertisement.

As such the applicant being deprived of selection with sufficient experience is aggrieved and is constrained to approach this Tribunal for ends of justice.

4. On being questioned as to how this OA can be maintained as the applicant has not ventilated her grievance before the appropriate authorities i.e. respondent No.2 & 3, Mr.Das fairly submitted that as only one post remains vacant the applicant has rushed to this Tribunal as her interest will be jeopardised. However, I cannot close my eyes to Section 20 of CAT Act and therefore without admitting this OA is disposed of by granting liberty to the applicant to prefer a comprehensive representation pinpointing the lacuna in the selection process within a period of 7 days from today and if any such representation is preferred within 7 days before respondents No. 2 & 3, the same be considered and by passing a well reasoned and speaking order and communicate the same to the applicant within a period of 8 weeks from the date of receipt of this order.

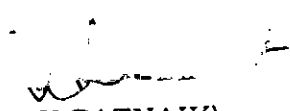
5. Though I have not expressed any opinion on the merit of the matter and all the points to be raised in the representation are kept open for the said respondents No 2 & 3 to consider the same as per the rules and regulations in force, still then I hope and trust that respondents No.2 & 3 will make all just endeavours to give preference to academic credentials as well as personal experience and expertise of the applicant vis-a-vis the private respondents No. 5 & 6 before coming to the conclusion. I also make it clear till the representation to be preferred by the applicant is considered and disposed of, one post of Sr. Scientist will not be filled up by the departmental respondents.

7. With the aforesaid observation and direction the OA is disposed of at the admission stage itself. No costs.

9 As prayed for by Mr.Das, a copy of this order along with the paper book of this OA be transmitted to respondent No.2 & 3 by Speed Post for which he will deposit the cost with the Registry within a period of one week.



10. The applicant is at liberty to annex a copy of this order along with the representation to be preferred, if so advised.

  
(A.K.PATNAIK)  
MEMBER (J)

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