

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 3120/2017

Reserved on 29.10.2018
Pronounced on 06.12.2018

Hon'ble Mr. K.N.Shrivastava, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

Krishan Kumar Pasi,
Aged about 29 years,
S/o Shri Jay Ram Passi,
R/o 1667.Lodhi Road Complex,
New Delhi-110003

... Applicant

(By Advocate: Ms. K. R.Chitra)

VERSUS

1. Indian Council of Agricultural Research (ICAR)
Through Director General,
Ministry of Agriculture & Farmers Welfare,
Krishi Bhavan, New Delhi-110 001.

2. The Agriculture Scientists Recruitment Board
(ASRB) Through
Chairman,
1st Floor, Krishi Anusandhan Bhawan-1,
Pusa, New Delhi 110 012.

... Respondents

(By Advocate: Mr. Rajat Krishna for Mr. Rajeev Sharma)

ORDER

Mr. S.N.Terdal, Member (J):

We have heard Ms. K.R.Chitra, counsel for applicant and Mr. Rajat Sharma for Mr. Rajeev Sharma, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In OA, the applicant has prayed for the following reliefs:

“(i) To direct Respondent No.1 to issue and release appointment letter in favour of the applicant forthwith in

consequence of his being successful in the Assistant Grade Examination-2014 conducted by Respondent No.2.

- (ii). To pass such other or further orders which this Hon'ble Tribunal deem fit and proper in the facts and circumstances of the case."

3. The relevant facts of the case are that the applicant appeared in the Assistant Grade Examination of 2014 in the respondents organisation in response to the advertisement issued by the respondents and after going through the entire selection process he was successful and he was topper in the selection list. But, however, on the complaint received from some of the candidates about the alleged irregularities in the conduct of examination a Committee was constituted and the said Committee by its report dated 28.12.2016 (Annexure R-1) after examining various aspects of the complaint stated that the applicant who was working at the relevant point of time in the Respondent-2 organization, which is the recruiting agency concerned, may have had excess to the question papers and on that suspicion the Committee opined that except the applicant all the others be appointed.

4. The counsel for the applicant vehemently submitted that though all the others have been appointed and though there is only an allegation that the allegation has been made accepted by the Committee behind the back of the applicant and the respondents are going head with appointment of further Committees and the applicant being admittedly successful candidate and being the topper of the list, he should be directed to be appointed, subject to giving liberty to the

respondent to take action against the applicant as per the provisions of relevant rules.

5. The respondents in their counter affidavit have also stated that on the basis of the suspicion and some corroborated evidence the applicant was not appointed and all others have been appointed. The respondents have justified their action of not issuing appointment letter to the applicant on the basis of the recommendation of the above said Committee.

6. In view of the above stated facts and circumstances and in view of the judgment of Hon'ble High Court in the case of **Smt.Kiran Juneja and Ors. Vs. Union of India and Others** dated 20.12.2007, we are of the opinion that as the applicant is selected after going through the entire selection process, we direct the respondents to appoint the applicant with retrospective effect from the date of appointment of other selected candidates with all consequential benefits without back wages. However, the respondents are at liberty to take action against the applicant as per relevant rules.

7. OA is disposed of accordingly. No order as to costs.

(S.N.Terdal)
Member (J)

(K.N.Shrivastava)
Member (A)

`sk'