

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

O.A. No.290/00432/2014

Jodhpur, this the 29th July, 2019

CORAM

Hon'ble Smt Hina P. Shah, Judicial Member

Hon'ble Ms Archana Nigam, Administrative Member

Dr. Maharaj Singh S/o Late Shri Raghveer Singh aged about 49 years, R/o C/o Sh. Bhoor Singh C-25, Panchwati Colony, Ratanada, Jodhpur. Presently working on the post of Senior Scientist in the office of CAZRI Regional Research Station, Jaisalmer, Rajasthan.

.....Applicant

By Advocate : Mr S.K. Malik.

Versus

- (1) The Indian Council of Agricultural Research through its Secretary/Director General Krishi Bhawan, New Delhi.
- (2) The Chairman, Agricultural Scientist Recruitment Board, Krishi Anusandhan Bhawan-1, Pusa, New Delhi-12.

.....Respondents

By Advocate : Mr A.K. Chhangani.

ORDER (Oral)

Per Smt. Hina P. Shah

Heard.

The present Original Application has been filed by the applicant challenging order dated 13.02.2014 (Annex. A/1) passed by the respondents whereby applicant's name has not been recommended by the Board to the next higher grade of Principal Scientist in the pay scale of Rs 37400-67000+RGP of Rs 10000/- under revised Career Advancement Scheme. Further, the

applicant has sought direction on the respondents to promote him on the post of Principal Scientist in the discipline of Plant Physiology w.e.f. 31.12.2012 alongwith all consequential benefits including arrears of pay and allowances with 18% interest per annum.

2. It is submitted by the learned counsel for the applicant that applicant was called for interview on 12.12.2013 in the office of respondent No. 2 alongwith original documents for the assessment to the post of Principal Scientist and thereafter vide impugned office order dated 13.02.2014 (Annex. A/1) communicated that applicant has not been recommended by the Board for promotion. Since, order dated 13.02.2014 was a non-speaking order, the applicant moved an RTI application and received the score card of selection to the post of Principal Scientist. The applicant has been awarded lesser marks in various scientific achievements/activities as per documents submitted by him. Therefore, the applicant moved representation dated 28.04.2014 (Annex. A/4) before the respondent explaining therein as to how he has been awarded less marks in different activities of scientific achievements and submitted further proof alongwith representation.

3. On the other hand, it is submitted by learned counsel for the respondents that since the applicant could not get minimum 75 marks, he has not been recommended for promotion by the

Selection Committee. He further stated that vide letter dated 03.03.2015 (Annex. R/1) annexed alongwith reply, representation of the applicant stands disposed of by the respondents.

4. During course of the arguments, Mr S.K. Malik, learned counsel for the applicant submitted that at this stage, applicant would be satisfied if a time bound direction is given to the respondents to decide his representation dated 28.04.2014 on merits of his claim.

5. On perusal of communication dated 03.03.2015 (Annex. R/1), we find that respondents simply denied the claim of the applicant on the ground that there is no provision in the rules to review the recommendation of the Selection Committee of ASRB rather than disposing the representation of the applicant dated 28.04.2014 on merits of the claim.

6. Accordingly, we quash and set aside communication dated 03.03.2015 (Annex. R/1) issued by the respondents and direct the respondents to decide the representation of the applicant dated 28.04.2014 on merits of the claim, by passing a speaking order within 03 months from the date of receipt of a copy of this order.

7. In terms of above directions, OA is disposed of with no order as to costs.

[Archana Nigam]
Administrative Member

[Hina P. Shah]
Judicial Member

Ss/-