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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2095/2003

This the 25th day of March, 2004

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

Dr. R. Mohan Rao,
Director, Animal Husbandry Department,
Govt. of Andhra Pradesh,
Presently at Andhra Bhawan,
New Delhi-110001. Applicant

(By Shri Anis Suhrawardy, Advocate)-

-versus-

1. Union of India through
Secretary, Ministry of Agriculture,
Krishi Bhawan,
New Delhi-110001.
2. Department of Animal Husbandry & Dairying
through its Secretary,
Ministry of Agriculture,
Krishi Bhawan, New Delhi-110001.
3. Union Public Service Commission
through its Chairman,
Dholpur House, Shahjahan Road,
New Delhi-110001.
4. Dr. S.K.Bandopadhyaya,
Head Division of Virology,
Indian Veterinary Research Institute,
Mukteshwar Campus,
Mukteshwar 263138
Nainital (Uttaranchal). Respondents

(By Shri Madhav Panikar, Advocate for Respondents 1 & 2,
Mrs. B.Rana, Advocate for Respondent No.3)

ORDER (ORAL)

Hon'ble Shri V.K.Majotra, V.C.(A) :

Applicant has challenged Annexure A-1 dated 26.6.2003 whereby the respondents did not find the applicant eligible for deputation to the post of Animal Husbandry Commissioner. Drawing our attention to Annexure A-2 advertisement appeared in Employment News

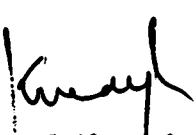
(31st August - 6th September, 2002) for recruitment to the said post on deputation basis, the learned counsel of applicant pointed out that apart from possessing the prescribed educational qualifications, applicant should have been held eligible for the post having held analogous post on a regular basis for six years in the pay scale of Rs.4500-5700/7300 (pre-revised) or equivalent in terms of the advertisement. The learned counsel referring to applicant's bio data (Annexure A-3) stated that he has been availing of the pay scale of Rs.14225-525-19150 w.e.f. 1.7.1998 in the State Government of Andhra Pradesh. He further referred to his rejoinder stating that he has been functioning as Director of Animal Husbandry, Government of Andhra Pradesh w.e.f. 1.11.1999 and is presently drawing a pay of Rs.19150+525+525 (stagnation increment) + 90 FPI. As such, he has been eligible for consideration for deputation on the said post.

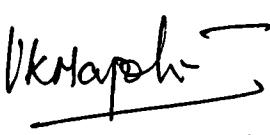
2. On the other hand, respondents have stated that as per advertisement, the applicant was required to have been working for six years prior to 14.10.2002 in the scale of Rs.14300-18300/22400. The applicant has been working with Andhra Pradesh Government on a lower scale than this scale, i.e., Rs.14425-19150 only, as is clear from his bio data and rejoinder. Shorn of the stagnation increments and FPI, applicant has reached the maximum stage of Rs.19150/- in the Andhra Pradesh Government. Applicant's scale in the Andhra Pradesh Government is certainly lower than the scale of Rs.14300-22400, and as such he is not eligible for consideration for deputation in terms of the eligibility conditions. .

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3. Applicant's own documents establish that he has been working w.e.f. 1.11.1995 in the scale of Rs.14425-19150. This scale is certainly lower than the requisite scale of Rs.14300-22400 in which he was required to have been functioning for six years prior to 14.10.2002. Certainly, the applicant does not meet the prescribed condition of having worked in the scale of Rs.14300-22400 for six years prior to 14.10.2002. Accordingly, he is not eligible for deputation on the advertised post.

4. Having regard to the reasons stated above, this OA must fail being devoid of merit. Dismissed accordingly. No costs.


(Kuldip Singh)
Member (J)


(V. K. Majotra)
Vice-Chairman (A)

/as/

25.3.04