

**Central Administrative Tribunal
Principal Bench, New Delhi
OA no. 56/2015**

this the 05th day of November, 2019

Hon'ble Mr. S.N. Terdal, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)

Dr. A.K. Shivhare, S/o P.L. Shivhare, Aged about 44 years,
Assistant Director, Directorate of Cotton Development,
Bhoomi Sarvenkshan Bhawan, Katol Road,
Nagpur-440013 ...Applicant

(By Advocate : Mr. Abhay Srivastava for Mr Inderjeet Yadav)

Versus

1. Union of India,
Through Secretary to the Government of India,
Department of Agriculture and Cooperation,
Ministry of Agriculture, Krishi Bhawan,
New Delhi-110001
2. Union Public Service Commission,
Through its Chairman, Dhaulpur House,
Shahjahan Road, New Delhi-110003 ...Respondents

(By Advocate : Dr. Ch. Shamsuddin Khan for R1 & Mr Ravinder Aggarwal for R2)

ORDER (ORAL)

Mr. S.N. Terdal :

Heard Mr Akshat Srivastava, learned counsel for the applicant and Dr. Ch. Shamsuddin Khan and Mr Ravinder Aggarwal, learned counsels for the respondents no 1 & 2 respectively.

2. The present OA has been filed by the applicant seeking the following relief:

“i) That the respondents be directed to produce the relevant record of selection/appointment process in question of the perusal of this Hon’ble Tribunal.

ii) This Hon’ble Tribunal may please to hold the impugned action of denying the applicant consideration for appointment (Post of Joint Director) as illegal, arbitrary, unsustainable, discriminatory, malafide, bad in law, perverse and quashed and set aside and further direct the respondents to consider the applicant for appointment if he is selected on merit with all consequential benefits.

iii) Pass any such other or further order of direction as this Hon’ble Tribunal may deem fit and proper in case.”

3. Learned counsel for the applicant submits that as per the advertisement notification the applicant fulfils both essential qualification as well as the experience qualification. He further submits that as 89 candidates had applied for one post of Joint Director (Crops Division), Department of Agriculture, the respondents UPSC called only 9 candidates after short listing and in short listing they enhanced 5 years experience to that of 10 years experience. Learned counsel for the applicant vehemently submits that the applicant has got the requisite experience in the concerned field as required in the advertisement.

4. Learned counsel for the respondents pointing to the Annexure A11, submitted by the applicant, points out that the applicant has got 2 years 4 months and 22 days experience in the relevant field, and that the subsequent experience from 01.03.2005 to 28.02.2007 is admittedly not relevant experience as he has worked in computerization in Horticulture and he further submits that

from 17.04.2000 to 28.02.2005 & from 01.03.2007 to 18.10.2011
he has worked only in collection, compilation and analysis of data
and he has not worked in relevant field of production and
productivity related assignments, and hence, the applicant has
been rightly rejected as having not got essential experience.

5. Learned counsel for respondents further submits that the
selection process is over and the applicant has not impleaded the
selected candidates and he further submits that the applicant has
not challenged the selection procedure.

6. In view of the facts narrated above, we are of the view that the
applicant does not have requisite experience in the relevant field,
and therefore we do not find any arbitrariness or
unreasonableness in not selecting the applicant in the impugned
selection process.

7. Accordingly, OA is dismissed. No order as to costs.

(Aradhana Johri)
Member (A)

(S.N. Terdal)
Member (J)

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