
(2024) 12 CAT CK 0002

Central Administrative Tribunal - Allahabad Bench, Allahabad

Case No: Original Application No. 1352 Of 2024

Kuldeep Singh Rana

APPELLANT

Vs

Union Of India Through
The Secretary, Ministry
Of Consumer Affairs,
Food And Public
Distribution,
Department Of Food
And Public Distribution,
Krishi Bhawan,
Government Of India,
New Delhi & Ors

RESPONDENT

Date of Decision: Dec. 2, 2024

Acts Referred:

- Administrative Tribunals Act, 1985 - Section 19

Citation: (2024) 12 CAT CK 0002

Hon'ble Judges: Om Prakash VII, Member (J); Mohan Pyare, Member (A)

Bench: Division Bench

Advocate: Shyamal Narain, M.P. Mishra

Final Decision: Disposed Of

Judgement

Mohan Pyare, Member (A)

1. Present Original Application has been filed under section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:

1. Quash the impugned communication/order No. A-13016/3/2020-SA, dated 09.08.2024, issued under the signature of Sri Anil Kumar

Gupta, Under Secretary to the Government of India, purporting to dispose of applicant's Observations/Comments/Representation dated

14.06.2024 in respect of Draft Recruitment Rules, 2024 for the posts in Sugar Engineering Division at the National Sugar Institute, Kanpur

(Annexure No. A-1 to Compilation No.I).

b) issue a suitable and time-bound order or direction to the respondents to consider the decide the applicant's objections/representation

dated 14.06.2024 afresh, by means of a reasoned and speaking order, addressing his suggestions for the post of Assistant Professor (Sugar

Engineering) as well, and to make adequate protection and consideration in the proposed RRs to ensure that his promotional avenues are

not blocked, but cleared of artificial obstacles, and his career prospects and aspirations are not thwarted.

c) Award the costs of this Original Application in favour of the applicant, throughout.

2. Brief facts of this case are that the applicant was selected by the Union Public Service Commission on the post of Assistant Engineer (Electrical/

Mechanical Engineering) in the pay scale of Rs. 15,600-39, 100 (PB-3) plus Grade Pay of Rs.5400/- at NSI and he joined on the said post on

22.06.2015. The applicant had joined the NSI being satisfied that as per the then prevailing Recruitment Rules of 2012, his educational qualifications

were adequate for him to be considered for promotion to the next higher post of Assistant Professor (Sugar Engineering) at the appropriate time.

However, the Recruitment Rules underwent a change in the year 2017 in terms of which certain additional qualifications were sought for the said

promotion leaving the applicant unqualified for the same. Being aggrieved the applicant moved representation dated 05.03.2018 followed by a reminder

and another representation dated 03.07.2020 before the Secretary of the Ministry which was responded to positively after consultation with the DoPT

and vide a letter by the Ministry to the Director, NSI, Kanpur dated 22.02.2021, he was requested to forward a proposal for amendment of the

Recruitment Rules with suitable protection clause for safeguarding the interests of the existing feeder cadre. Ultimately, after a letter dated

11.10.2021 sent by the applicant to the Ministry, fresh recruitment rules were mooted and vide a letter dated 15.03.2023 a copy of Draft approved

RRs for the post of Assistant Professor (Sugar Engineering), were forwarded to the Director, NSI, with the request to put out the same on the

website for thirty days inviting reactions of the stakeholders and asking for the NSI's recommendations for necessary action after it had examined

the comments/ objections of such stakeholders and the same was done once again vide another letter dated 15.05.2024. The applicant had submitted a

detailed representation dated 14.06.2024 in respect thereof containing his objections/ comments and observations. When no response was made, the

applicant moved a request dated 09.07.2024 followed by a reminder dated 07.08.2024. Eventually, the respondents responded with the impugned

communication dated 09.08.2024 disposing of the applicant's representation dated 14.06.2024 which the applicant claims has been done without

proper application of mind and overlooking his objections.

3. We have heard learned counsel appearing for the parties.

4. Learned counsel for the applicant states that unless the respondents are directed to consider the applicant's representation afresh, especially

with regards to the points made by him in respect of the post of Assistant Professor (Sugar Engineering), there is a very strong likelihood that the RRs

will be made ignoring those suggestions thereby putting the applicant to serious prejudice and irreparable loss. Thus, prayer was made to direct the

respondents to consider the representation of the applicant dated 14.06.2024 afresh before finalising the Recruitment Rules.

5. Learned counsel for the respondents opposed the prayer made by learned counsel appearing for the applicant and filed the instructions received

from the concerned respondent mentioning that the Protection Clause has been incorporated in the revised RR. He also submitted that holding up the

process at this stage will affect the promotions of all the eligible candidates including the applicant and shall affect the working of the institute

seriously.

6. We have considered the rival submissions of learned counsel appearing for the parties and perused the entire documents on record.

7. In view of the limited prayer made by learned counsel appearing for the applicant, with the purpose of protecting the interest of the stakeholders,

the O.A. is disposed of at the admission stage itself with a direction to the competent authority amongst the respondents to decide afresh the

representation dated 14.06.2024 moved by the applicant by passing a reasoned and speaking order thereon addressing all the objections raised by him

in the said representation in detail taking into consideration the averment made in the instructions dated 27.11.2024 and redressing the objections raised

by the applicant before finalizing the said Recruitment Rules and communicate it to the applicant forthwith.

8. All associated M.As. also stand disposed of. No order as to costs.