

भा. कृषि अनु. प- केन्द्रीय मृदा लवणता अनुसंधान संस्थान
करनाल-132001

फा.सं. पी.जी.ए/आर.टी.आई./2017/9986
दिनांक: 10.03.2017

15

विषय: श्री शीश पाल गुप्ता, सी-33, राष्ट्रीय दुग्ध अनुसंधान संस्थान, कैम्पस करनाल के द्वारा मांगी गयी सूचना का अधिकार अधिनियम, 2005 दिनांक 18.02.2017 को प्राप्त अपील अधिकारी से अपील के सन्दर्भ में।

आपके द्वारा सूचना का अधिकार अधिनियम, 2005 के तहत दिनांक 18.02.2017 को प्राप्त अपील अधिकारी से अपील के सन्दर्भ में मांगी गई सूचना सहायक प्रशासनिक अधिकारी (स्थापना-2 अनुभाग) से प्राप्त हुई है जो आपको सूचनार्थ हेतु प्रस्तुत है।

उपरोक्त अपील को अपील अधिकारी की स्वीकृति से दी जा रही है।

अभिषेक प्रीवास्तव
19-03-17
वरिष्ठ प्रशासनिक अधिकारी

श्री शीश पाल गुप्ता,
सी-33, राष्ट्रीय दुग्ध अनुसंधान संस्थान,
कैम्पस करनाल, 132001 (हरियाणा)

संलग्न: उपरोक्तानुसार।

वितरण:-

1. डा. के. थिमप्पा, जन सूचना अधिकारी, केन्द्रीय मृदा लवणता अनुसंधान संस्थान करनाल।
2. प्रभारी अधिकारी, संगणक केन्द्र कृपया संलग्न सूचना को प्रश्न एवं उत्तर दोनों संस्थान के वेबसाईट पर लोड करें।

Date
12/3

ICAR-CENTRAL SOIL SALINITY RESEARCH INSTITUTE
KARNAL-132001

CONFIDENTIAL

F.No.RTI/2014/CSSRI/ 2222

Dated: 09.03.2017

Please refer to your letter No.PGA/RTI/2017 dated 04.03.2017, Sr.1 to 7 the point wise information as given below:

1. Date of joining of Smt. Chanchal Rani is 19.01.1989 on post of T-1 and matric pass with one year Dip. in Medical Laboratory Technology.
2. T-1 (Technician)
3. Date of promotion in T-2(01.01.1995), T-II-3 (01.01.2000), T-4 (01.01.2005) and T-5 (01.01.2010) copy attached. Attested photo Copy of Pay fixation order is enclosed.
4. Attested photo copy is enclosed.
5. Attested photo copy is enclosed.
6. Information not applicable under RTI Act. 2005.
7. Attested photo copy is enclosed.


09/03/2017
(Tarun Kumar)
Asstt. Admn. Officer

Asstt. Admn. Officer(PGA)

ICAR-CENTRAL SOIL SALINITY RESEARCH INSTITUTE
KARNAL-132001

ISSUED UNDER RTI ACT

F.No.7(34)2014/E-II/11201

Dated: 08.02.2016

OFFICE ORDER

In continuation to this office order No.PF(472)CSSRI/20496 dated 15.01.2016, the pay of the following official has been fixed as under from the date of his promotion on the date mentioned below:-

S. N.	Name of the officers/officials and present designation	Present pay scale	Pay fixed	Date of effect	Date of next increment	Remarks
1.	Smt. Chanchal Rani, Technical Officer	Rs.9300-34800+4600/- GP	Rs. 12930+4600GP=17530/- Rs. 18060/- Rs.18610/- Rs.19170/- Rs.19750/- Rs.20350/- Rs.20960/-	01.01.2010 to 30.06.2010 01.07.2010 01.07.2011 01.07.2012 01.07.2013 01.07.2014 01.07.2015	7/2016	----

This is issue with the approval of the Director, CSSRI and concurrence of local Audit.

The above pay fixation is subject to the condition that, in case any excess payment is noticed due to erroneous, pay fixation, the same shall be recovered from his pay subsequently.

ISSUED UNDER RTI ACT

(Tarun Kumar)
Asstt. Admm. Officer

DISTRIBUTION:

1. Smt. Chanchal Rani, Technical Officer through I/C Dispensary
2. F. & Ac.O.
3. Bill & Payment Section
4. Service Books of the concerned
5. PF concerned
6. Increment File

Attested

09/3/16

सं.मं.अ.

AAO

केंद्रम.ल.अनु.सं., कर्नाल
CSSRI, Karnal

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प्रेषण संख्या / D.No. 12574

दिनांक / DATED 28/10/14

द्वारा रजिस्ट्रार, केन्द्रीय प्रशासनिक अधिकरण

From The Registrar, Central Administrative Tribunal,

ISSUED UNDER RTI ACT

चण्डीगढ़ न्यायपीठ / Chandigarh Bench

सेवा में / To

① Mr. Anil Bhardwaj, Advocate
R/o # 3086, Sector 23-D,
Chandigarh

② Mr. R.K. Sharma, Advocate
R/o # 1716, Sector 34-D,
Chandigarh



मूल / स्था. आवेदन संख्या
OA/TA No. 1313/HR/2013
Chanchal Rani

वादी / APPLICANT(S)

बनाम / VERSUS

ISSUED UNDER RTI ACT

भारत सरकार व अन्य /
Union of India & Others

प्रतिवादी / RESPONDENT(S)

महोदय / Sir

उपरोक्त वाद के संबंध में मुझे इस अधिकरण की न्यायपीठ के

I am directed to forward herewith a copy of order/Judgement

माननीय श्री / श्रीमती _____ प्रशा. / न्या. सदस्य

dated 16/10/14 passed by a Bench of this Tribunal comprising

माननीय श्री / श्रीमती _____ प्रशा. / न्या. सदस्य

Hon'ble Mr./Mrs. Sanjeev Kaushik JM/AM and
समावीष्ट हैं द्वारा दिनांक _____ को पारित आदेश सूचना / पालन और

Hon'ble Mr. Vday Kumar Valleru, JM/AM
in the above mentioned case for information/compliance and necessary

आवश्यक कारवाई हेतु अग्रसारित करने का निर्देश हुआ है।

action please.

भवदीय / Yours faithfully

ISSUED UNDER RTI ACT

Deew Kumar

27.10.14

अनुभाग अधिकारी / SECTION OFFICER

संलग्नक : उपरोक्तानुसार

Attested
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07/03/17

सं.म.अ.
AAO
के.म.स.अनु.सं., कारनसि
CSSRI, Karnal

(O.A.No.1313/HR/2013)
(Chanchal Rani vs. UOI & Ors.)

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

(orders reserved on 9.10.2014)

ISSUED UNDER RTI ACT

O.A.NO. 1313/HR/2013 Date of order:- 16.10.2014

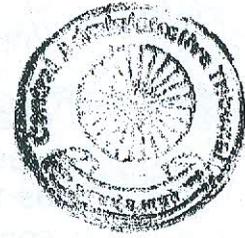
Coram: **Hon'ble Mr. Sanjeev Kaushik, Member (J)**
Hon'ble Mr. Uday Kumar Varma, Member (A).

Smt. Chanchal Rani w/o Shri Ramesh Chand, T-5 (Technical Officer)
working in the office of Central Soil Salinity Research Institute, Karnal
(Haryana).

ISSUED UNDER RTI ACT

.....Applicant.

(By Advocate :- Mr. Anil Bhardwaj)



Versus

1. Indian Council of Agricultural Research, Krishi Bhawan, Dr.
Rajendra Perasad Road, New Delhi through Director General.

2. Director, Central Soil Salinity Research Institute, Karnal(Haryana).

...Respondents

Attested
09/10/17 (By Advocate : Mr. R.K.Sharma).

ORDER

सं.म.अ.
AAO
कें.मृ.सं.अनु.सं., करनाल
Hon'ble Mr. Uday Kumar Varma, Member (A):

Applicant Chanchal Rani has filed the present Original

Application seeking the following reliefs:-

ISSUED UNDER RTI ACT

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"i) Quash the letter dated 29.4.2013 (Annexure A-1) vide which the respondent no.1 has informed that one year Diploma in Medical Laboratory Technology possessed by applicant cannot be considered relevant for removal of category Bar from Cat-I to Cat-II and as such her promotion from T-2 to T-II-3 is erroneous and orders have been issued to take corrective measures which is illegal and arbitrary;

ii) Quash the memorandum dated 24.5.2013 (Annexure A-2) vide which the applicant has been intimated that after completion of 5 years of service in the grade she had been promoted in the grade of T-2 w.e.f. 1.1.1995. As per Technical Service Rules the technical personnel in T-2 grade would become eligible for assessment promotion to the next higher grade of T-II-3 in category-II by removal of category bar from category-I to category-II, if she improve her qualification prescribed for entry in category-II by direct recruitment. She has not acquired such qualification and as such her promotion from T-2 to T-II-3 was erroneous and as such she was given an opportunity as to why her promotion from T-2 to T-II-3 should not be considered and to take her eligibility as T-I-3 w.e.f. 1.1.2000 which is illegal and arbitrary;

ISSUED UNDER RTI ACT

iii) Quash the order dated 2.8.2013 (Annexure A-3) the applicant has been informed that her case was considered in the Council and counsel has already communicated its decision vide letter dated 29.4.2013. The view taken by the authorities is illegal and arbitrary;

iv) Issue direction to the respondents to fix the pay of the applicant in pursuance of her promotion made vide order No.1(3)/2010/E-II/615 dated 17.7.2010 from T-4 to T-5 in the pay band of Rs.9300-34800 with grade pay of Rs.4600 w.e.f. 1.1.2010 by treating her as eligible as per rules, policy decision and precedents and grant her all the consequential benefits of arrears of pay and allowances with interest thereon @ 12% from the date the same become due to the actual date of payment".

ISSUED UNDER RTI ACT

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CSSRI, Karnal

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2. Facts of the case are that the applicant on the basis of one year Diploma in Medical Laboratory Technology joined the respondent Organization at Karnal as T-1 (Laboratory Technician) on 19.1989. On the basis of her service record, she was promoted under Assessment Promotion Scheme as T-2 (Laboratory Assistant) from 1.1.1995 and as T-1-3 (Laboratory Assistant) with effect from 1.1.2000 vide order dated 3.8.2005. Thereafter, the applicant was placed in the grade T-II-3 with effect from 1.1.2000 and granted the assessment promotion to the grade of T-4 in the pay-scale of Rs.5500-9000 (revised to Rs.9300-34800 + grade pay Rs.4200/-) with effect from 1.1.2005 vide order dated 31.3.2009. The applicant was further granted merit promotion to T-5 (Technical Officer) with effect from 1.1.2010 in the pay scale of Rs.9300-34800 with grade pay of Rs.4600/- vide order dated 17.7.2010. All these promotions of the applicant was recommended by the Assessment Committee/DPC and approved by the Director, CSSRI, Karnal. The applicant has stated that the removal of category bar from category-I to category-II AAO was considered by the DPC on the ground that she had passed one CSSRI, Karnal Diploma in Medical Lab Technology. The applicant has relied upon an order dated 3.12.1998 (Annexure A-11) issued by the Council wherein the competent authority has given approval for removal category bar in the case of Shri Rajiv Gupta who had passed one year Refrigeration & Air Conditioning course instead of two years

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ISSUED UNDER RTI ACT

diploma. The respondent Institute vide its letter dated 27.10.2007 has sought clarification from the Director General, Health Department, Haryana, to the effect whether one year course/diploma in Medical Laboratory Technology is equivalent to three years diploma in the same discipline. The Health Department vide its letter dated 10.12.2007 has clarified that the one year Laboratory Technician diploma is recognized by the Haryana Government and for appointment purposes as at that time no other course was available.

ISSUED UNDER RTI ACT

3. The applicant has pleaded that though she had been promoted to the post of T-5 (Technical Officer) vide order dated 17.7.2010, but her pay has not been fixed. In this regard, she has made numerous representations for fixation of pay. Her case was also recommended by respondent no.2 to respondent no.1 vide letter dated 14.10.2010. However, respondent no.1 vide letter dated 29.4.2013 (A-1) has informed respondent no.2 that one year diploma in Medical Laboratory Technology possessed by the applicant cannot be considered relevant for removal of category bar from Cat-1 to Cat-II. In pursuance of order dated 29.4.2013 issued by respondent no.1, the respondent no.2 vide letter dated 24.5.2013 has been issued a show cause notice to explain as to why her promotion from T-2 to T-II-3 should not be considered and to take her eligibility as T-I-3 with effect from 1.1.2000. The applicant was further directed to submit her

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ISSUED UNDER RTI ACT

reply to the memorandum within 15 days. The applicant has submitted her reply on 6.6.2013. However, respondent no.1 again vide letter dated 22.8.2013 has informed respondent no.2 that the Council has already intimated its decision vide letter dated 29.4.2013. Hence the present Original Application.

ISSUED UNDER RTI ACT

4. The Tribunal, while issuing notice of motion to the respondents on 25.9.2014 had stayed the operation of the impugned orders at Annexures A-1 & A-3.

ISSUED UNDER RTI ACT

5. Pursuant to notice, the respondents have stated that the applicant is not eligible for promotion to T-3 under five yearly assessment as the applicant does not meet the necessary qualification. They have stated that the removal of category bar from category IU to category II was considered by the DPC of the Institute not on the premise that the applicant has passed Senior Secondary Examination, but on the plea that the Council vide its letter dated 3.12.98 has decided to consider that where there was no two year diploma in the trade, the diploma of one year course may be considered for removal of category bar. They have further pleaded that the case of the applicant for promotion was decided by the Institute at its own level, without the approval of the Council. Accordingly, the Council has examined the case of the applicant and found that the applicant is not



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CSSRI, Karnal

ISSUED UNDER RTI ACT

eligible for promotion to T-3 under five yearly assessment as per order dated 14.10.2010. They have thus prayed for dismissal of the OA.

6. The applicant has filed a rejoinder by generally reiterating the averments made in the OA.

ISSUED UNDER RTI ACT

7. We have given our thoughtful consideration to the entire matter and perused the pleadings available on record with the able assistance of the learned counsel for the parties.

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09/03/17

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के.म.स.अनु.सं., करनाल
CSSRI, Karnal

8. It is a case where a promotion (from T-II to T-I-3) granted to applicant effective since 1.1.2000 as also subsequent merit promotion as T-4 effective 1.1.2005 and as T-5 effective 1.1.2010 are sought to be withdrawn on the ground that at the time of her promotion to T-I-3, she was supposed to have cleared the Category Bar from Category I to Category II, which was erroneously granted to her. The error was that she did not fulfill the criterion of having a three year diploma in the relevant field whereas she had only one year diploma. This error was detected in 2013 because the competent authority to clear the category bar is the ICAR but wrongly the clearance was granted at the level of the Institute i.e. CSSRI, Karnal. When the matter was referred to the ICAR to clear the category bar, ICAR in the light of the rules held that promotions granted to the applicant so far were in violation of rules and therefore,

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ISSUED UNDER RTI ACT

the aforesaid action by the respondent Institute. It has to be noted that the Assessment Committee of the Institute which considers and recommends the cases of promotion was while recommending the promotion of the applicant from T-II to T-I-3 was aware of the fact that she did not have three year diploma but however, decided to recommend that a three year diploma was not in existence around the time the applicant had acquired one year diploma and that there was no such proposal for approving a three year diploma course in the said discipline with the AICTE.

ISSUED UNDER RTI ACT

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AAO
कृषि अनुसंधान, करनाल
CSSRI, Karnal

9. In our view the applicant is made to suffer for no fault of hers. She had concealed nothing. The Assessment Committee of the Institute was aware that she possesses only a one year diploma. The Institute took a conscious decision to promote her on the ground that a three year diploma course was not on offer at the relevant time. The ICAR had itself made an exception in a similar case of one Mr. Jaggi and another Mr. Rajiv Gupta where their one year diploma was considered good enough for removing the category bar as three year diploma on that particular discipline was not being offered by any institution. We find no material difference between the facts and circumstances of these cases where exception was allowed and the case of the applicant. However, in the case of the applicant the ICAR apparently was unwilling to consider all aspects of the case and take a

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rational decision. Their decision has just not taken into account the fact and circumstances of the applicant and has only gone by the provision in the rules.

ISSUED UNDER RTI ACT

10. The applicant has produced before us an order dated 02.01.2014 in OA no. 2438/2012 where a similar matter has been adjudicated and it has been held that in view of the long years of service put in by the applicants and having earned several promotions in this period, he can not be reverted back to a lower post. This order is very relevant to the instant case. Our views, therefore, get strengthened and endorsed in the light of this order.

11. The respondents have placed several judgments of Apex Court where it has been held that a bonafide error can always be rectified by the government. We can not possibly disagree with such rulings which have attained finality. However, the vital difference in this case is that the error is neither inadvertent nor unintended. It is an error known to all concerned and therefore, to punish the applicant by reverting her to her pre promotion status on a plea that the respondents themselves have relaxed in similar cases, can not be deemed as just and therefore, acceptable.

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CSSRI, Karnal

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ISSUED UNDER RTI ACT

The OA is allowed and the impugned letter dated 2013 and memorandum dated 25.4.2013 and order dated 28.2013 are quashed. No costs.

ISSUED UNDER RTI ACT



(UDAY KUMAR VARMA)
MEMBER (A).



(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 16.10.2014.

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Attested
[Signature]
09/10/14
सं.प्र.अ.
AAO
केन्द्रीय अनुसं., करनाल
CSSRI, Karnal

Certified True Copy / प्रमाणित सत्य प्रतिलिपि
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07.11
Section Officer (Itd.)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
चण्डीगढ़, पीठ / Chandigarh Bench
चण्डीगढ़ / Chandigarh

[Signature]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10613 of 2015

DATE OF DECISION: AUGUST 31, 2015

ICAR AND ANOTHER

...PETITIONERS

ISSUED UNDER RTI ACT

VERSUS

SMT. CHANCHAL RANI & ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE DARSHAN SINGH.

1. Whether the judgement should be reported in the digest? Yes

PRESENT: MR. R.K.SHARMA, ADVOCATE FOR THE PETITIONERS.
MR. A.K. BHARDWAJ, ADVOCATE FOR RESPONDENT NO.1.

ISSUED UNDER RTI ACT

M. JEYAPPAUL, J.

1. Indian Council of Agricultural Research (ICAR) and Director, Central Soil Salinity Research Institute (CSSRI), Karnal, Haryana have challenged the quashment of the communications issued by them on 29.4.2013, 24.5.2013 and 2.8.2013.

2. Respondent No.1 Chanchal Rani who had acquired 1 year Diploma in Medical Laboratory Technology joined the petitioners-Organization at Karnal as T-1 (Laboratory Technician) on 19.1.1989. She was promoted under Assessment Promotion Scheme as T-2 (Laboratory Assistant) w.e.f. 1.1.1995 and as T-1-3 (Laboratory Assistant) w.e.f. 1.1.2000 vide order dated 3.8.2005. Thereafter, she was placed in the Grade T-II-3 w.e.f. 1.1.2000 and granted merit promotion to the grade of T-4. She was also granted further promotion to T-5 (Technical Officer) w.e.f. 1.1.2010. All those promotions were recommended by Assessment

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CSSRI, Karnal

ISSUED UNDER RTI ACT

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Committee/DPC approved by the Director, CSSRI, Karnal. Respondent No.1 has stated that removal of category barrier from Category I to Category II was considered by the DPC on the ground that she had passed 1 year Diploma in Medical Laboratory Technology. The petitioners vide letter dated 27.10.2007 sought clarification from the Director General, Health Department, Haryana as to whether 1 year Course/Diploma in Medical Laboratory Technology was equivalent to 3 years' Diploma in the same discipline. The Health Department vide letter dated 10.12.2007 clarified that 1 year Laboratory Technician Diploma was recognized by the Haryana Government for the purpose of appointment, as no other course was available. On 29.4.2013, petitioner No.1 informed petitioner No.2 that 1 year Diploma in Medical Laboratory Technology possessed by respondent No.1 cannot be considered relevant for removal of category barrier from Category I to Category II. Petitioner No.2 issued show cause notice to the respondent No.1. to explain as to why her promotion from T-2 to T-II-3 should not be considered.

ISSUED UNDER RTI ACT

3. The writ petitioners have contended that respondent No.1 was not eligible for promotion to T-3 under five yearly assessment, as she had not met the necessary qualification. The case of respondent No.1 for promotion was decided by the petitioner No.2 without getting the approval from petitioner No.1. It is contended by the writ petitioners that they have taken a right decision.

4. We heard the elaborate submissions made by learned counsel appearing for the writ petitioners and learned counsel appearing for

ISSUED UNDER RTI ACT

Accepted
09/03/17
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CSSRI, Karnal

CWP No.10613 of 2015

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respondent No.1. It is an admitted position that there was only 1 year Diploma course in Medical Laboratory Technology at the time when respondent No.1 was promoted from T-2 to T-II-3. On a careful perusal of Annexure A-11, a very similar issue pertaining to the promotion of one Rajiv Gupta came up for consideration before the Under Secretary of the Indian Council of Agricultural Research, New Delhi. Considering the entire gamut of the issue and the fact that there was no 2 years Diploma in Refrigeration and Air Conditioning course, 1 year Diploma in that Discipline acquired by the said Rajiv Gupta was considered for removal of category barrier. Based thereupon the said Rajiv Gupta was granted promotion after removing the category barrier.

5. In the instant case, the writ petitioners sought clarification whether 1 year Diploma in Medical Laboratory Technology was equivalent to 3 years' Diploma in the same Discipline from the Health Department of Haryana who intimated them that for the purpose of appointment, 1 year Diploma course in Medical Laboratory Technology was being considered as there was no longer duration Diploma course in vogue.

6. The yardstick adopted in Rajiv Gupta had been adopted by the writ petitioners in the case of respondent No.1 herein. In other words, a conscious decision was taken by respondent No.2 considering the fact that there was a category barrier and the said category barrier had to be removed, as no one could have got such a qualification prescribed. It is not as if the competent Authority was not aware of the category barrier which resulted in inadvertent promotion to the employee. The category barrier was squarely

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CSSRI, Karnal

addressed by the competent Authority and thereafter exemption was granted to respondent No.1. Such a conscious decision cannot be upset by an arbitrary communication that category barrier was wrongly removed in the case of respondent No.1.

7. Learned Central Administrative Tribunal, Chandigarh Bench (for short 'Tribunal') has also made an observation that a similar matter was brought for adjudication before it in O.A. No.2438 of 2012 and the same was decided in favour of the applicant therein. It is an admitted position that the order passed in O.A. No.2438 of 2012 in a similar matter was not put to challenge by the writ petitioners. But they have chosen to implement the orders passed by the Tribunal.

ISSUED UNDER RTI ACT

8. At this juncture, learned counsel appearing for the writ petitioners cited a decision of the Hon'ble Supreme Court in State of Maharashtra vs. Digambar, 1995 AIR (SC) 1991, wherein it has been held as follows:-

"16. We are unable to appreciate the objection raised against the prosecution of this appeal by the appellant or other S.L.Ps filed in similar matters. Sometimes, as it was stated on behalf of the State, the State Government may not choose to file appeals against certain judgments of the High Court rendered in Writ petitions when they are considered as stray cases and not worthwhile invoking the discretionary jurisdiction of this Court under Article 136 of the Constitution, for seeking redressal therefor. At other times, it is also possible for the

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 सं.म.ल.अनु.सं., कारनाल
 CSSRI, Karnal

State, not to file appeals before this Court in some matters on account of improper advice or negligence or improper conduct of officers concerned. It is further possible, that even where S.L.Ps are filed by the State against judgments of High Court, such S.L.Ps may not be entertained by this Court in exercise of its discretionary jurisdiction under Article 136 of the Constitution either because they are considered as individual cases or because they are considered as cases not involving stakes which may adversely affect the interest of the State. Therefore, the circumstance of the non-filing of the appeals by the State in some similar matters or the rejection of some S.L.Ps in limine by this Court in some other similar matters by itself, in our view, cannot be held as a bar against the State in filing an S.L.P. or S.L.Ps in other similar matters where it is considered on behalf of the State that non-filing of such S.L.P. or S.L.Ps and pursuing them is likely to seriously jeopardize the interest of the State or public interest.”

ISSUED UNDER RTI ACT

9. True it is that the Department for variety of reasons might not have challenged the decision arrived at by the learned Tribunal in a similar matter. But the fact that the writ petitioners chose not to challenge the said order, cannot be a ground to reject the writ petition filed by them. In other words, the principle of *res judicata* will not operate against the writ petitioners who failed to challenge the similar issues determined by the very same Forum in a different case.

ISSUED UNDER RTI ACT

Accepted
 09/03/17

स.म.अ.
 AAO

के.म.ल.अनु.सं., कर्नाल
 CSSRI, Karnal

10. It was submitted by learned counsel appearing for the writ petitioners that even an unworkable service Rule shall continue to be in force unless it was repealed or replaced by another Rule. To support the above contention, he referred to the decision of the Hon'ble Supreme Court in Union of India Thr. Government of Pondicherry & Anr. vs. V.Ramakrishnan & Ors., 2005 AIR (SC) 4295, wherein it has been observed as follows:-

ISSUED UNDER RTI ACT

"21. The rules did not become inoperative only because the two scales of pay of the Superintending Engineer and the Chief Engineer became same in terms of revised pay scales. A rule does not become inoperative only because the UPSC says so. A rule validly made even if it has become unworkable unless repealed and replaced by another rule of amended, continue to be in force. As regard, scale of pay, the matter should have been referred to the anomaly removal committee. In terms of the new rules, the criteria prescribed under the old rules were modified. Thus, till the new rules were given effect to, no promotion to the post of Chief Engineer could be effected in derogation to the criteria prescribed under the existing rule."

Handwritten signature
09/03/17
सि.म.अ.
AAO
के.म.स.अनु.सं, कर्नाल
CSSRI, Karnal

11. That was a case where an Executive Engineer sought for promotion based on a new Draft Rule which was in the process of finalization. Under such circumstances, the above dictum was laid down by the Hon'ble Supreme Court. But in the instant case, the existent Rule was properly read by the competent Authority and it thought it fit to give

exemption considering the fact that only 1 year Diploma in the respective Discipline was imparted at the relevant point of time. Further, respondent No.1, in the instant case, does not seek for any relaxation of the category barrier. It was only the Authorities concerned who took a well informed and conscious decision to accord relaxation for respondent No.1 to cross-over the category barrier. Under such circumstances, the above decision of the Hon'ble Supreme Court will not apply to the instant case. The writ petitioners have passed an order upsetting the category barrier exemption granted to respondent No.1 which culminated in her promotion from T-2 to T-II-3 w.e.f. 1.1.2000. Thereafter, she had been promoted to the cadre of T-4. Now, she has been placed in the position of T-5. As it is not a bona fide error but a well informed decision exempting respondent No.1 from the category barrier, the writ petitioner cannot be permitted to reverse the promotions granted to respondent No.1 who has now reached the position of

T-5.

ISSUED UNDER RTI ACT

12. For all these reasons, we are of the view that the Tribunal has rightly taken a decision to grant the relief sought for by respondent No.1. We do not find any merit to interfere with the well considered order of the Tribunal. The writ petition stands dismissed.

(M. JEYAPPAUL)
JUDGE

ISSUED UNDER RTI ACT

August 31, 2015
Gulati

(DARSHAN SINGH)
JUDGE

Attested
09/09/17
सं.म.अ.
AAO

सं.म.अ.अनु.सं., करनाल
CSSRI, Karnal



TELEPHONE: 011-23
FAX: 011-2338 729
Email: law.icar

673
06/01/16

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
भारतीय कृषि अनुसंधान परिषद
Krishi Bhavan, Dr. Rajendra Prasad Road, New Delhi-110 001
कृषि भवन, डॉ० राजेन्द्र प्रसाद रोड, नई दिल्ली-110 001

F.No. 12(5)/2013-Law

Dated the 05th Jan, 2016

To

ISSUED UNDER RTI ACT

The Director,
Central Soil Salinity Research Institute,
Zarifa Farm, kachhwa Road,
KARNAL- 132 001 (Haryana)

9029
06.01.2016

Sub.: Order passed by Hon'ble High Court of Punjab and Haryana in W.P.No. 10613/2015 titled ICAR & Anr. Vs Smt. Chanchal Rani & Anr. – reg.

Sir,

With reference to the above subject case, undersigned has been directed to convey approval of Competent Authority of the Council to implement the order passed in OA No. 1313/2013 as there are no grounds to challenge the order passed by the Hon'ble Punjab and Haryana High Court. Council be informed about the action taken by the Institute.

ISSUED UNDER RTI ACT

Yours faithfully,

(JITENDER KHANNA)
Asstt. Legal Advisor

SPD for map

Mms
6/1/16

Mr. Anur Singh / AAO (E-II)

ISSUED UNDER RTI ACT

Attended
09/03/17
स.म.अ.
AAO

के.म.स.अनु.सं., करनाल
CSSRI, Karnal

A
06/01/16

Forwarded to E-II section for compliance of order dt. 31.8.15 of Hon'ble High Court, Chandigarh as per approval of the Council stated above.
05/01/16
AAO 06/01/2015
AAO (E-II)

To

Dated
4/01/2017

The Central Public Information Officer
Central Soil Salinity Research Institute
KARNAL (UR)

SUB: - Information under RTI Act 2005

Sir,

Kindly provide following informations,

- 1) Date of Joining of Smt Chanchal Rani Technician Staff. Her qualification at the time of joining
- 2) Post at which joined.
- 3) Date of Promotions in T-2, T-II-3, T-4 and Present status and qualifications on which ground Inclusion was done in T-II-3. Pay fixation order of Smt Chanchal Rani after promotions.
- 4) Court Case / CAT Court Case decision of Smt Chanchal Rani v/s ICAR. (Certified copy)
- 5) Letter of implementation of Judgement (Certified copy)

P. T. D

(6) Name and Designation of officers Constituted for (Sub-channel Remi) induction in T-II-3 Post

(7) ICAR Comments on Final Judgement

Provide the above informations at the earliest. The required fee of this application Rs 10-00 enclosed in the form of I.P.O. No. 31F 487582 of dated 4/01/2017.

Yours Sincerely
Shri

(SHISH PAL GUPTA)

C-33 NDRI

CAMPUS KARNAL

Phone No. 989647760,

Shri. Vinod Kumar for nap.

JG. ~~Sharma~~
16/1/2017