

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

2088

**CWP No. 9649 of 2011(O&M)
Date of decision: 22.09.2016**

Babu Lal Yadav and others

.... Petitioners

Versus

Food Corporation of India and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. R.L.Batta, Sr. Advocate with
Mr. Nikhil Batta, Advocate for the petitioner.

Mr. J.S.Puri, Advocate for the respondents.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioners have sought for the following directions:-

i) issue a writ in the nature of Mandamus or any other writ, order or direction directing the respondents to conduct the interview of the petitioners as they have already qualified the written test conducted by the respondents and they have been issued call letters for personal interview.

ii) It is further prayed that the result of the interview held on 11.05.2011 and 12.05.2011 may not be declared and the selection and appointment of the candidates who appeared in the interview held on 11.05.2011 and 12.05.2011 may not be declared.

2. The petitioners are the candidate for the recruitment to the post of Assistant General Manager (Technical), Food Corporation of India.

Mode of recruitment to the post reads as under:-

Sl. No.	Description of post	Scale of pay (rs.)	Mode of recruitm ent	promotion		Direct recruitment	#Age * Limit years	Correspon ding categories of posts in the Directorate Genl. Of Food	Re mar ks
				selection /non- selection	#Exper ience	#Qualificati ons & experience, if any.			
2.	Asstt. Genl. Manager (Tech.)	1100-50-1600	***33 1/3 % by direct recruitm ent	-		<u>Essential:-</u> (i) Degree in Agriculture, or degree in Science with Diploma in Food Technology or Master's degree in Zoology or Biochemistry or equivalent qualifications . (ii) 5 years experience in storage of food-grains and maintenance of stocks or in the examination , inspection and analysis of foodgrains in Govt. or Public/priva te Ltd. Undertaking s. <u>Desirable:</u> Knowledge of toxicology of insecticides, raticides and fumigants in use in grains stocks.			
			66 2/3 % by promotio n	Selection	** 3 years as SAM (Tech.)/ 5 years as Manage r(Tech.)				

3. The petitioners were not called for interview on the score that they did not fulfil the qualification of 5 years experience. Learned counsel for the petitioners submitted that the petitioners had experience of 5 years.

The details of the experience reads as under:-

- “i) JRF (ICAR) “ during higher studies”- Sept. 2001 to Sept 2003. 2 yrs (as per ICAR's Award letter dated 17.07.2001 and M.Sc degree Certificate dated 15.12.2003 from JNKVV).
- ii) Manager (QC) FCI- December, 2007 to January 2011 i.e. 3 yrs. This claim had been duly certified by the employer. The total experience added up to the requisite 5 years.”

4. Five years of experience in the cadre of JRF (ICAR) and Manager (Quality Control) Food Corporation of India for the period from September, 2001 to September, 2003 and December, 2007 to January, 2011 by the petitioners not eligible as they have not completed 5 years of experience in regular service is incorrect. Thus, they have presented this petition seeking for writ of mandamus directing the respondents to participate them in the process of interview to the post of Assistant General Manager. During pendency of the present petition, the petitioners were subjected to interview. Result of the interview has been kept in sealed cover.

5. Learned counsel for the respondents submitted that the petitioners are not eligible as they do not fulfil the qualification of 5 years experience prescribed for the post of Assistant General Manager for the reasons that while holding the post of Manager (Quality Control), Food Corporation of India during period from December, 2007 to December, 2008 for about one year they were under going Management Trainees. The same cannot be taken into consideration for the purpose of declaring that

they gained experience. If that period is excluded, the petitioners could not fulfill the minimum 5 years of service qualification stipulated in the regulation for the post of Assistant General Manager. Admittedly, the petitioners were under Management trainees for the period from December, 2007 to December, 2008. Thus the respondents-Food Corporation of India rightly refused to entertain the petitioners' candidature for the post of Assistant General Manager. Therefore, there is no infirmity in not inviting the petitioners for interview to the post of Assistant General Manager. The petitioners have not made out a case so as to grant the relief sought in the present petition.

6. Crux of the matter is whether the petitioners fulfil qualification of 5 years experience for the post of Assistant General Manager or not? Admittedly, the petitioners have rendered 2 years of service for the period from September, 2001 to September, 2003 for the post of JRF (ICAR) and from December, 2007 to January, 2011 Manager (Quality Control) Food Corporation of India. The respondents' contention that the petitioners' experience for the period from December, 2007 to December, 2008 is to be excluded for the reasons that they have not gained experience while holding the post of Manager (Quality Control) Food Corporation of India. Perusal of the prescription of qualification for the post of Assistant General Manager read with 5 years of experience it is evident that regulation do not identify in what manner the experience can be counted namely while holding the regular post and excluding experience gained on *ad hoc* basis trainee. In the absence of provision or clause in the rules of recruitment to the post excluding experience gained while holding the post of Management Trainees, the respondents' contention that experience gained by the

petitioners during the period from December, 2007 to December, 2008 as a Management trainee cannot be ignored for the purpose of counting of experience. Therefore, contention of the respondents' that one year of experience by the petitioners as a Management Trainee for the period from December, 2007 to December, 2008 be excluded is hereby rejected.

7. The respondents are directed to open the sealed cover relating to interview proceedings in respect of the petitioners and give effect to the same within a period of 2 months from today. Further to consider their names for appointment to the post of Assistant General Manager (Tech.) if otherwise eligible within a period of 4 months from today.

8. Disposed of.

22.09.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No