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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No. 1056/98

New Delhi: this the 6<sup>th</sup> day of ~~April~~, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Dr. Hari Om Upadhyay,  
S/o Shri Ram Prakash Upadhyay,  
R/o H-02, CSIR Scientists' Apartment,  
Maharani Bagh (Ashram Chowk),  
New Delhi - 110065. .... Applicant.

(By Advocate: Ms. Geeta Mehrotra)

Versus

1. Union of India through  
its Secretary,  
Human Resource Development,  
Shastri Bhawan,  
New Delhi -01
2. The Council of Scientific & Industrial Research,  
through its  
Director General,  
Rafi Marg,  
New Delhi -01
3. National Physical Laboratory,  
through  
its Director, Dr. K. S. Krishnan Road,  
New Delhi -012 .... Respondents

(By Advocate: Shri Manoj Chatterjee)

ORDER

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A).

Heard both sides.

2. Office Order No. 70 dated 19.7.95 (Annexure-I) appointing applicant as Sr. Research Associate (Pool Officer) in NPL for a period of three years is under the Scientists' Pool Scheme, the maximum tenure period for which is 3 years. There is no obligation compelling respondents to engage/ absorb Pool Officers in their Organisation upon completion of the tenure period, as has clearly been held by this very Bench of the Tribunal in order dated 20.10.98 in O.A.No. 437/98.

3. Applicant's counsel has emphasised that applicant has spent about 15 years as Jr. Research Fellow; Sr. Research Fellow; Research Asstt. with respondents' including more than 5 years in the same description/ area and in the same laboratory as RA & SRA and in terms of letter dated 13.1.81 (Annexure-8) respondents are legally bound to absorb applicant on regular basis without his having to apply in response to the impugned advertisement No.1/98 (Annexure-4). Particular reliance has been placed by applicant's counsel in this connection on paras 6 and 8 of the letter dated 13.1.81.

4. We are unable to accept these contentions. Respondents have correctly pointed out in reply to the OA that letter dated 13.1.81 on which applicant bases his case, as its very subject matter title makes clear, relates to absorption of staff employed in externally funded projects/schemes, and not to the Scientists Pool Scheme under which applicant was engaged by order dated 19.7.95.

5. Under the circumstance, the OA warrants no interference. It is dismissed. No costs.

Lakshmi Smellie

( MRS. LAKSHMI SWAMINATHAN )  
MEMBER(J)

Antofig

( S. R. ADIGE )  
VICE CHAIRMAN (a).