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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1862/98

New Delhi: this 19th day of APRIL, 1999.

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

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

Dr. Shashi Bhushan Agarwal,
S/o Sri Late Prayag Narain Agarwal,
R/o 311, Mavilla, 7 Mayur Vihar, Phase I,

..... Applicant.

(By Advocate: Shri Suman Bhardwaj)

Versus

The Council of Scientific & Industrial Research,
through its Director General, 1 Rafi Marg,
New Delhi

..... Respondents.

(By Advocate: Shri Manoj Chatterjee).

ORDER

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

Applicant impugns respondents' orders dated 19.3.98 (Annexure-A1) Duly) relieving him from his duties from the Scientists Pool w.e.f. 11.3.98 and claims that as per Memorandum dated 20.2.96 (Annexure-A1) his appointment as a Pool Officer was for the full period of 3 years w.e.f. 23.1.96 and could therefore have concluded only 22.1.99.

2. Applicant had earlier filed OA No. 437/98. In that OA applicant had complained about non-disposal by respondents of his representation dated 2.1.98 (Annexure-A1) and had sought absorption/regularisation in respondent organisation. That OA was heard along with other OAs and was dismissed by common order dated 26.10.98. An RA has been filed by some of the applicants in those OAs

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which is still awaiting disposal but as of date the aforesaid order dated 26.10.98 dismissing applicant's earlier OA No.437/98 along with other OAs has not been stayed, modified or set aside.

3. In para 7 of that order dated 26.10.98 this very Bench had categorically held that the Scientists' Pool Scheme provided for a maximum tenure period of 3 years. Applicant had himself admitted in para 4(1) of his OA No.437/98 that he joined as a Pool Officer in CSIR on 5.3.82 and worked up to 16.1.83 i.e. for a period of 10 months, 12 days. Thus, in view of the maximum tenure period of 3 years under the Scientists' Pool Scheme, he was eligible for reengagement as a Pool Officer only for the period 3 years minus 10 months 12 days i.e. 2 years 1 month 18 days.

4. Under the circumstance, if upon applicant's reengagement by order dated 20.2.96 (Annexure-A1 Only) w.e.f. 23.1.96 he has been relieved of his duty by impugned order dated 19.3.98 w.e.f. 11.3.98 upon completion of his tenure under the Scientists Pool Scheme it cannot be said that respondents have acted illegally, irregularly or improperly.

5. No doubt the appointment order dated 20.2.96 mentioned that applicant's tenure would be for 3 years, but respondents have submitted that this was mentioned through inadvertence, as they had overlooked the 10 months 12 days' service put in by him earlier and as soon as the error was detected, it was rectified by Memo dated 7.3.96 (Annexure-R4) which clearly stated that applicant's tenure would be for 2 years one month 18 days and would be relieved on 12.3.98.

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6. In this connection we cannot but notice that in applicant's representation dated 2.1.98 (Annexure-A 1) whose non disposal he had made a grievance of in OA No.437/98 he had himself admitted that he had been appointed for a period of 2 years 1 month and 13 days w.e.f. 23.1.96 and his tenure was likely to expire on 12.3.98.

7. During hearing applicant's counsel Shri Bhardwaj denied that Memo dated 7.3.96 correcting the earlier order dated 20.2.96 had reached the applicant and alleged that this Memo was not genuine. We have ourselves perused the original records which were shown to us by respondents and are satisfied about the genuineness of Memo dated 7.3.96 which applicant was fully aware of as is clear from what has been stated in para 6 above and is in accordance with the terms and conditions of the Pool Scheme.

8. Under the circumstance this OA is wholly devoid of merit. In this connection we note that during the pendency of OA No.437/98 in which the issues materially are no different from those raised in the present OA, applicant in para 7 of the present OA has stated on affidavit that he had not previously filed any application, petition or suit regarding the matter in respect of which this application has been made before any Court or any Authority or any other Bench of the Tribunal, nor any such writ petition or suit is pending before them.

9. ^{above} As this statement made on affidavit is clearly

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inaccurate, this OA is dismissed with costs of
Rs.1000/- payable by applicant to respondents.

Lakshmi
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

Arulraj
(S. R. ADIGE)
VICE CHAIRMAN (A).

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