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Central Administrative Tribunal, Principal Bench

OA No. 2560 of 1998

MA 2726/98

with

OA No. 166 of 1999

OA No. 174 of 1999

OA No. 215 of 1999

OA No. 220 of 1999

OA No. 1275 of 1999

OA No. 1658 of 1999

New Delhi, this the 23rd day of March, 2000

Hon'ble Mr. Justice Ashok Agarwal Chairman

Hon'ble Mr. V.K. Majotra, Member (Admnv)

(1) OA No. 2560 of 1998

MA 2726/98

1. Dr. Moti Lal Madan, S/o Pt. Janki Nath Madan, Deputy Director General, Animal Husbandry, Indian Council of Agricultural Research (ICAR), Krishi Bhawan, New Delhi-110001.
2. Dr. H.K. Singh, S/o Shri H.P. Singh, Head, Agronomy Division, Indian Agricultural Research Institute (IARI).
3. Dr. P.V. Dehadrai, S/o Lare Dr. V.S. Dehadrai, Officer of Special Duty, Directorate of Publication, Krishi Anusandhan Bhawan, Indian Council of Agricultural Research (ICAR), New Delhi-110012.
4. Dr. S.P. Singh, S/o Shri Suraj Pal Singh, Principle Scientist, Division of Extension, Krishi Anusandhan Bhawan, Indian Council of Agricultural Research (ICAR), New Delhi-110 012 -Applicants

(By Advocate -None)

Versus

1. Union of India through the Secretary, Ministry of Agriculture, Department of Agriculture Research & Education, New Delhi.
2. Indian Council of Agricultural Research (ICAR), through, its Director General, Krishi Bhawan, New Delhi.
3. The President, Indian Council of Agricultural Research (ICAR), Krishi Bhawan, New Delhi. - Respondents

(By proxy counsel Shri S.K. Gupta)

(2) OA No. 166 of 1999

Dr. M.C. Prasad, S/o Late Shri Rajeshwar Prasad, C/o Shri A.K. Srivastava, N-248, Raghbir Nagar, New Delhi-110027 - Applicant

(By Advocate -None)

Versus

1. Union of India through the Secretary, Department of Agriculture Research and Education, Ministry of Agriculture, Krishi Bhawan, New Delhi.

Yes

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2. Indian Council of Agricultural Research (ICAR), through, its Director General, Krishi Bhawan, New Delhi.
3. The President, Indian Council of Agricultural Research (ICAR), Krishi Bhawan, New Delhi.
4. Director, Indian Veterinary Research Institute (IVRI), Izatnagar-243 122 (Bareilly) U.P.- Respondents (By proxy counsel Shri S.K.Gupta)

(3) OA No. 174 of 1999

1. Dr.O.P.Varshney, S/o Shri P.L.Varshney, Senior Scientist, Division of Soil Science & Agricultural Chemistry, Indian Agricultural Research Institute (IARI), New Delhi-110012.
 2. Dr. M.K.Roy, S/o Late Sh. D.K.Roy, Principal Scientist, Nuclear Research Laboratory, I.A.R.I., New Delhi-110012.
 3. Dr.P.S.L.Srivastava, S/o Late Sh. S.S.Lal, Principal Scientist, Division of Genetics, I.A.R.I., New Delhi-110012.
 4. Dr. Maheshwar Prasad Jha, S/o late Sh. A.P.Jha, Principal Scientist & Head, I.A.R.I. Regional Station Pusa, Bihar.
 5. Prof. N.K.Mohta, S/o late Sh. D.P.Mohta, Principal Scientist, Division of Agronomy, I.A.R.I., New Delhi-110012.
 6. Dr.R.R.Kohli, S/o Shri R.C.Kohli, Principal Scientist, Horticulture Division, Indian Council of Agricultural Research (ICAR), Krishi Bhawan, New Delhi. -Applicants
- (By Advocate -None)

Versus

1. Union of India through the Secretary, Department of Agriculture Research and Education, Ministry of Agriculture, Krishi Bhawan, New Delhi.
2. Indian Council of Agricultural Research (ICAR), through, its Director General, Krishi Bhawan, New Delhi.
3. The President, Indian Council of Agricultural Research (ICAR), Krishi Bhawan, New Delhi.
4. Director, Indian Agricultural Research Institute, (IARI), New Delhi-110012 - Respondents (By proxy counsel Shri S.K.Gupta)

(4) OA No. 215 of 1999

Shri Hargain Singh, S/o late Khubi Ram, age about 60 years, Technical Officer (T-6), Water Technology Centre, I.A.R.I. Pusa New Delhi and resident of E-27, I.A.R.I., Pusa New Delhi-110012 -Applicant (By Advocate -None)

Versus

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1. Union of India through Secty, Department of Agricultural Research & Education, (DARE) Krishi Bhawan, New Delhi-110001.
2. The Director General, ICAR, Krishi Bhawan, New Delhi-110001.
3. The Secretary (S.S.) C.J.S.C., Indian Council of Agricultural Research, Director Office, IARI, Pusa, New Delhi.
4. The Director, Indian Agriculture Research Institute, Pusa, New Delhi-110012 - Respondents
(By proxy counsel Shri S.K.Gupta)

(5) OA No. 220 of 1999

Dr. Ashwini Kumar Sinha, S/o Shri J.P.Sinha, Asst. Director General (Education/ HRD II) Indian Council of Agricultural Research (ICAR), Krishi Bhawan, New Delhi-110001. -Applicant
(By Advocate -None)

Versus

1. Union of India through the Secretary, Ministry of Agriculture, Department of Agriculture Research and Education, New Delhi.
2. Indian Council of Agricultural Research (ICAR), through, its Director General, Krishi Bhawan, New Delhi.
3. President, Indian Council of Agricultural Research (ICAR), Krishi Bhawan, New Delhi. - Respondents
(By proxy counsel Shri S.K.Gupta)

(6) OA No. 1275 of 1999

1. Dr. B.S.Sharma, S/o Shri Ram Avtar Sharma, R/o Flat No.47, DDA Flats (SFS), Sector-19, Pocket-II, Dwarka Phase-I, New Delhi-110045.
2. Mr. Sham Sunder Gupta, S/o Shri K.R.Gupta, R/o 250, MIG Flats, Prasad Nagar, New Delhi-110005 - Applicants
(By Advocate -None)

Versus

1. Union of India through the Secretary, Department of Agriculture Research and Education, (Ministry of Agriculture), Krishi Bhawan, New Delhi.
2. Director, India Agricultural Statistics Research Institute, Library Avenue, New Delhi-110012.
3. Indian Council of Agricultural Research (ICAR), through, its Director General, Krishi Bhawan, New Delhi.
4. President, Indian Council of Agricultural Research (ICAR), Krishi Bhawan, New Delhi. - Respondents
(By proxy counsel Shri S.K.Gupta)

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(7) OA No. 1658 of 1999
Dr. K.C.Gautam, S/o Late Sh. Sher Singh,
Principal Scientist/ Professor, Division of
Agronomy, Indian Agricultural Research Institute,
New Delhi-100012. -Applicant

(Applicant in person)

Versus

1. Union of India through the Secretary, Department of Agriculture Research and Education, (Ministry of Agriculture), Krishi Bhawan, New Delhi.
2. Indian Council of Agricultural Research (ICAR), through, its Director General, Krishi Bhawan, New Delhi.
3. Indian Agricultural Research Institute (IARI) through the Director. - Respondents

(By proxy counsel Shri S.K.Gupta)

Common Order(Oral)

By Justice Ashok Agarwal, Chairman.-

Aforesaid Original Applications raised common questions. For sake of convenience, we have taken the facts in OA No.1275/99 for the purpose of disposal of all the aforesaid OAs. The applicants are Scientists working in various capacities in the Indian Agricultural Statistics Research Institute. By the present OA they claim that their age of superannuation should be increased from 60 to 62 years. This they claim on the basis that the age of retirement of Scientists working under the University Grants Commission (for short 'UGC') has been increased from 60 to 62.

2. Indian Council of Agricultural Research (for short 'ICAR'), it cannot be disputed, is a society registered under the Societies Registration Act, 1860. The same has been established for the purpose of achieving objects more particularly research in the field of agriculture. The applicants do not perform the

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very same duties as Scientists who have been working under the UGC as those working under the UGC are engaged in teaching. As far as the ICAR is concerned the same is an autonomous body. It is governed by the rules and by-laws which have been framed in exercise of powers conferred under Rule 40 of the ICAR Rules. The service conditions of the applicants are governed by Chapter-III of these by-laws. In the circumstances no notification of the Central Government is applicable to employees of the ICAR until the same is adopted by the Governing Body of the Society. Though the Central Government has increased the age of superannuation of its staff, the same cannot be made applicable to the staff of ICAR and the Research Institutes coming under it without the approval of the Governing Body. By-law 38(5) provides as under :-

"Determine the conditions of service of the employees of the Council, fix the remuneration and define the duties."

Before any change can be brought out in respect of age of superannuation, the same will require amendment of By-law 33(a) which at present reads as under :-

"The age of retirement of Scientific and technical personnel in the service of the council shall be 60 years. No extension of service shall be given but where absolutely essential in the interest of research, the council may re-employ outstanding scientists on suitable terms with the prior approval of the President".

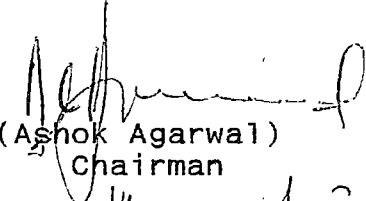
3. As far as the present issue is concerned, the ICAR has submitted its proposal to the President of the Council for obtaining the approval of the Cabinet. It is only after the same is approved by the Cabinet that the issue will be required to be placed before the

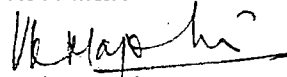
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Governing Body for amendment of the aforesaid rules. It is only after amendment of rules in respect of age of retirement that the benefit claimed in the present OAs can be given to the applicants and other scientists similarly placed.

4. Having regard to the afore-stated position we are afraid that no direction can be issued at our end. The issue is under consideration of the Cabinet. All that can be done for the applicants in the present OAs is to request the Cabinet to take an early decision in the matter. The present OAs are accordingly disposed of in the afore-stated terms. No order as to costs.


(Ashok Agarwal)
Chairman


(V.K. Majotra)
Member (Admnv)

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