

Central Administrative Tribunal

Principal Bench

OA No. 2239/96

New Delhi, this the 7th day of March, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)
Hon'ble Shri S.P. Biswas, Member (A)

1. Ram Bilas Rai,
R/o Q.No. 306,
Type-II, Krishi Kunj, Pusa,
New Delhi.
2. Deep Chand,
R/o Quarter No. 2,
Fire Station, Pusa,
IARI,
New Delhi.
3. Lakhmi Chand
R/o Quarter No. 496,
Type-II, Krishi Kunj,
Pusa,
New Delhi- 110-012. Applicants
(By Shri B.B. Raval, Advocate)

Versus

1. The Director-General,
Indian Council of Agricultural Research,
Krishi Bhawan,
New Delhi.
2. The Director,
Indian Agricultural Research Institute,
Pusa, New Delhi. Respondents
(By Shri V.K. Rao, Advocate)

O R D E R

By Dr. Jose P. Verghese, Vice-Chairman(J)

There are three applicants in this case. Applicant no. 1 was an Engine Driver in the Division of Agricultural Engineering and was promoted on adhoc basis in the pay scale of Rs. 950-1400/- to the post of Tubewell Operator (Auxiliary). Similarly the applicant no. 2 who was in SS Grade-III in the Division of Agricultural Engineering was also promoted on adhoc basis in the pay scale of Rs. 950-1400/- to the post of Tubewell

Operator(Auxiliary). Applicant no. 3 as well who was working as Workshop Mate and was promoted alongwith his other colleagues on adhoc basis to the post of Tubewell Operator (Auxiliary). All the three promotions were made on 15.1.1987.

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2. By an order dated 28th August, 1996 the respondent devised a Scheme according to which all auxiliary and administrative (non-ministerial) category of posts have been abolished and they have been re-classified into Technical, Administrative and Supporting Staff vide categories of A, B & C respectively of Annexure-I to the said Scheme dated 20th August, 1996.

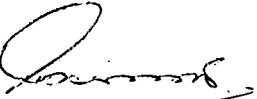
3. The claim of the applicants is that after the abolition of the Auxiliary Administrative (non-ministerial) categories of posts w.e.f. 20.8.1996, all the three posts which they were holding on adhoc basis as well as those posts which they were holding on the substantive basis at the time when they were given adhoc promotion, were belonging to category of Technical or that of the Supporting Staff and it is an admitted case that the retirement age for the Technical and Supporting Staff is not 58 years rather it is fixed at 60 years of age. In view of the said admitted policy decision the applicants are claiming continuation of their posts within the respondents organisation till the age of superannuation namely 60 years.


4. Learned counsel for the respondents stated that the posts being held by the applicants on adhoc basis does not give any vested right to them. At any rate, the learned counsel for the respondents admitted that the substantive post being held by the applicants, at the time of promotion on adhoc basis are admittedly either Technical or belonging to the category of Supporting Staff.

5. In view of the said position, the applicants are entitled to the benefit of re-classification and as well as the extension of their retirement age till 60 years. Ordered accordingly.

6. It is further directed that in case any of the applicants have been allowed to retire, the direction is being issued that they shall be taken back to service without any break in service and they shall be allowed to retire only when they attain the age of superannuation i.e. 60 years.

7. No orders as to cost.


(S.P. Biswas)
Member (A)


(Dr. Jose P. Verghese)
Vice-Chairman (J)