

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

D.A. No. 377/94

New Delhi this the 15th day of September, 1999. 33

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN(J)
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....Applicants

(By Advocate: Shri M.L.Chawla)

Versus

UNION OF INDIA

THROUGH

1. THE SECRETARY,
GOVERNMENT OF INDIA,
MINISTRY OF ENVIRONMENT & FORESTS,
PARYAVARAN BHAWAN,
CGO COMPLEX, LODI ROAD,
NEW DELHI

2. THE DIRECTOR GENERAL,
INDIAN COUNCIL OF FORESTRY RESEARCH
AND EDUCATION,
P.O. NEW FOREST,
DEHRADUN.

....Respondents

(By Advocate: Shri N.S.Mehta)

ORDER

By Reddy, J.

The applicants are erstwhile employees of Union of India. By the impugned order, they had been absorbed into the service of Indian Council of Forestry Research and Education (for short ICFRE). The order of absorption in the service of the ICFRE is under challenge.

(RA)

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2. In 1990 the Government of India decided to organise the Forestry Research Centres in the country. In pursuance of the decision the Union of India set up six Research Institutes under the ICFRE with the object to carry out National Level research in different fields of Forestry and Tree breeding under different climatic conditions. The Institute at Dehradun is one of such Institutes. In 1991 the Government of India constituted the ICFRE into an autonomous Institution and in pursuance of the said decision the ICFRE was registered under the Societies Registration Act (hereinafter referred to as Society). By order dated 30.5.91 which was published in the gazette of India, Government of India transferred w.e.f. 1.6.91 the officers of the ICFRE Dehradun together with its 6 institutions to the Society. All the officers working in the Society who were Government servants were treated as ^{compulsory} on deputation until they were duly absorbed in the service of the Society. It was further provided that any such employee who opts against the proposal of the Society to absorb him in its regular service may inform the Society of his intention of not becoming a regular employee of the Society, shall not be absorbed by the Society.

3. The Secretary of the Society addressed by its letter dated 30.3.92 to all the employees to exercise their unconditional option by 31.3.92 in regard to their intention to be absorbed in the Society or to remain in Government service. It is the case of the applicants that the date of exercising option was extended upto 30.9.92. It is the case of the

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(AO)

applicants that the said date of option has been further extended upto 20.3.93 by their communication dated 10.3.93. The applicants intimated their intention of not becoming regular employees of the ICFRE and their willingness to remain in Government of India. In spite of this communication the respondents issued the impugned order dated 20.8.93 absorbing the Group 'C' and Group 'D' employees in the service of the Society on the basis of the alleged option exercised by them. The names of the applicants were also shown in the order as having been absorbed.

4. It is contended by the applicants that in view of their subsequent option to remain in the Government service and the said option being given within the extended date they should not have been absorbed in the service of the respondents.

5. It is the case of the respondents that originally the date of exercising option was fixed as 31.3.92. This date was extended upto 30.9.92 in view of the implementation of certain directions given by the Madras Bench of the Tribunal and again the same was extended upto 31.3.93. Subsequently as per the applicants' option in the service of the Society they have been absorbed w.e.f. 1.4.93. Thereafter the date was extended upto 7.9.93 for certain applicants in OA-660/92 as per the directions of the Allahabad Bench of the Tribunal. Thereafter, however, some employees sought to be reverted to their earlier options after they have been absorbed into the service of the Society and wanted to remain with the Government of India.

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The learned counsel for the respondents submits that as the option is irrevocable the applicants cannot be permitted to resile their options.

6. It is not in dispute that the applicants were asked to give their options for permanent absorption whether they are willing to join the service of the Society and accordingly the applicants have given their options to join the service of the Society. The date was originally fixed as 31.3.92 but it was, however, extended upto 31.3.93. The applicants have been absorbed under the impugned order w.e.f. 1.4.93. It cannot be disputed that the options are irrevocable and they were absorbed permanently. The case of the applicants that they are entitled to reconsider their options cannot be accepted. The applicants finding that the conditions of the service in the Society are not advantageous cannot be permitted to revise their options. It is true that the Government of India have directed the respondents to extend the last date for giving options. The Society is not bound to accept the directions given by the Government of India or to reconsider the options already given by the applicants. The Society is an independent organisation and the date fixed by the Society alone has to be accepted as the date by which the options have to be given. The impugned order of absorption was admittedly passed on the basis of the option exercised by the applicants. The subsequent reversion of their options, in our view, would not make the impugned order of absorption

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invalid. We do not find any warrant to interfere with the impugned order. The O.A., therefore, fails and is accordingly dismissed. **No costs.**

Shanti -
(Smt. Shanta Shastry)
Member (A)

Om Sivaram
(V. Rajagopala Reddy)
Vice-Chairman (J)

'San'