

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH,  
NEW DELHI

O.A. No. 1811 of 1989

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New Delhi this 28th April, 1994.

CORAM:

Hon'ble Mr. S.R. Adige, Member(A)

Hon'ble Mrs. Lakshmi Swaminathan (J)

Shri R.C. Chaudhary s/o Sh. Narayan Chaudhary,  
r/o Nuclear Research Laboratory,

I.A.R.I., New Delhi

By Advocate Shri N. Pandey

.....Applicant.

Versus

1. Director General, ICAR,  
Krishi Bhawan, New Delhi.

2. The Director of IARI,  
New Delhi

By Advocate Shri H.C. Kapoor

.....Respondents.

JUDGMENT

By Hon'ble Mr. S.R. Adige, Member(A).

In this application, Shri R.C. Chaudhary, who is working in Nuclear Research Laboratory, IARI, New Delhi has prayed for consideration for promotion from category-I of Technical Services to Grade T-II-3 of Category II in the pay scale of Rs. 425-700/- (Pre-revised) w.e.f. March, 1978.

2. According to the applicant, while he was working as a Daily paid helper, Plant Introduction Division in the IARI, New Delhi which is one of the approximately 50 such institutes under the ICAR, he was appointed temporarily as a Junior Seed Exchange Asstt. in the said Division of Plant Introduction with effect from 23.2.1976 vide IARI's appointment letter dated 19.2.76. He

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contends that one Shri S. Chaudhary was also appointed with effect from the same date as a Junior Seed Exchange Asstt. in the Horticulture Division in the IARI but the applicant has not produced a copy of that appointment letter. It appears that sometime in 1977 consequent to expansion of Plant Introduction activities, the Plant Introduction Division was separated from the IARI and was made a fulfledged Organisation named/National Bureau of Plant Genetic Resources (NBPGR), and the posts in the Plant Introduction Division and their incumbents became part of this Bureau. The Bureau, however, continued to be located within the IARI Campus, Pusa in Delhi. The applicant claims that the Bureau is a part and parcel of IARI and has no separate existence, but we have no reason to doubt the averments made by the respondents that consequent to the expansion of Plant Introduction activities, the Bureau was set up, which although located within the IARI Campus had a separate and well defined existence, and the employees were transferred along with their posts to the Bureau. It appears that sometime in 1984 or a little before, the applicant wanted to revert back to the IARI. He has alleged that a letter was circulated indicating that he and others similarly placed were likely to be transferred out of Delhi and as he did not want to leave Delhi, he represented for returning back to IARI. He also alleges that an undertaking was taken from him that he would not claim promotion upon reverting to IARI while no such undertaking was taken from any of others.

3. What actually had happened, as pointed out by the learned counsel for the respondents, is that the applicant for certain personal reasons wanted to come back to IARI and filed representations through proper channel. Those representations were considered and finally on 13.2.84, the Chief Administrative Officer, IARI wrote <sup>a letter</sup> to the Director, NBPGR (Annexure-R1) stating that the applicant's prayer for return to IARI on compassionate ground had been considered, and the IARI could offer him a post of Fieldman in the establishment of the Nuclear Research Laboratory at the Institute, subject to certain conditions. One of the conditions was that the applicant would be ranked <sup>junior</sup> to all existing regular technical personnel in that grade, to avoid disrupting the seniority of the personnel already employed there, because after all the applicant was reverting upon his own request. It is clear that this offer was communicated to the applicant, who in his reply dated 27.2.84 (Annexure-R2) stated that the offer was acceptable to him. Thus, manifestly, the applicant is bound by the conditions contained in the letter of offer.

4. The applicant seeks inclusion of his name in the IARI Office order dated 18.3.78 (Annexure-R4) promoting Category I employees of the technical services to Grade I-II-3 of Category II in the pay scale of Rs.425-700/- (pre-revised) w.e.f. March, 1978. This prayer is clearly untenable because in the light of the facts noticed above, the applicant was not in the IARI, but in the NBPGR on 18.3.78.

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5. That apart, the relief sought is with effect from March, 1978, which is clearly prior to 1.11.82 and, therefore, beyond the jurisdiction of this Tribunal to consider. Further more, as pointed out by the respondents, the representations filed by the applicant were rejected on 12.11.86 and 30.7.87 while this O.A. itself was filed on 24.4.89 and, therefore, is hit by limitation.

6. Viewed at from any angle, this application fails and it is dismissed. No costs.

*Lakshmi Swaminathan*  
(LAKSHMI SWAMINATHAN)  
MEMBER(J)

*Aruligam*  
(S.R. ADIGE)  
MEMBER(A)

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