



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 3815/2017

M.A. No. 25/2021

This the 06th day of January, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Dr. (Mrs.) Jatinder Kishtwaria,
Aged about 60 years (DOB 30.11.1957), Group A,
W/o Sh. R. S. Kishtwaria,
Director,
ICAR-Central Institute,
For Women in Agriculture,
Plot No. 50-51, Mouza-Jokalandi,
Post – Baramunda,
Bhubaneswar-751003.

... Applicant

(through Mr. P. K. Arya, Advocate)

Versus

1. Indian Council of Agricultural Research,
Through its Director General,
Krishi Bhawan, Dr. Rajendra Prasad Road,
New Delhi – 110001.
2. Agricultural Scientists,
Recruitment Board,
Pusa Road, New Delhi.
Through its Chariman.
3. ICAR-Central Institute for
Women in Agriculture, Bhubaneswar,
Through its Administrative Officer.

... Respondents

(through Mr. Nagesh, Advocate)

ORDER (Oral)**Justice L. Narasimha Reddy, Chairman:**

The applicant was selected and appointed as Director in the Indian Council of Agricultural Research, Central Institute for Women in Agriculture, Bhubaneswar, the 3rd respondent herein. In the order of appointment dated 11.12.2015 it was mentioned that the tenure of the applicant is upto 30.11.2017, the date on which he would attain the age of superannuation in the parent organisation.

2. The applicant contends that according to the terms of advertisement his appointment should have been for a period of five years or till he attains the age of 62 years whichever is earlier and in spite of that, he was disengaged from service on attaining 60 years of age. The applicant further contends that there was no justification for the respondents in not extending the contract upto 62 years.

3. The respondents filed a detailed reply. According to them the tenure was specifically mentioned in the order of appointment and having accepted the terms and conditions and joined the service, the applicant cannot plead to the contrary. Various contentions advanced by the applicant are

denied. The respondents have also filed an application to vacate the interim order.

4. We heard Mr. P. K. Arya, learned counsel for the applicant and Mr. Nagesh, learned counsel for the respondents.



5. The applicant was on the rolls of a different organisation. He came to be selected and appointed as Director in the office of 3rd respondent on the basis of an advertisement and followed by an interview. It was clearly mentioned in the order of appointment dated 11.12.2015 that his tenure will be upto 30.11.2017. In case the applicant had any reservation about it, he was expected to challenge the same by filing an OA in the year 2015 itself. The very fact that he joined the service without any demur or protest, discloses that he has acquiesced in the said order. Therefore, he is estopped from pleading to the contrary. At any rate, prayer in the OA itself was to continue him up to 30.11.2019 which expired long back. The applicant is not able to cite any provision of law in support of his contention. On the other hand, the respondents have relied upon the relevant service rule. According to that, the age of retirement of Scientific and Technical personnel will be 60 years. The applicant retired on attaining the age of 60 years. We do not find any merit in

the OA and it is accordingly dismissed. All the pending MAs stand disposed of. The interim order dated 30.11.2017 shall stand vacated. There shall be no order as to costs.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

Pj/sunil/lg/ankit/