

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00814-01033/2018

DATED THIS THE 14TH DAY OF JUNE, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

1. Dr. K. Mohan Rao
Scientist-C (Retd)
Residing at A-202, Shebang Apartments,
Chikkathogur, Basapur Main Road,
Opp: Tirumala Vintage,
Electronic City Post,
Bangalore -560100, Karnataka
2. Shri.Thimma Reddy G.S,
Working as Scientist-D,
CSTRI, Central Silk Board,
CSB, Complex, BTM Layout,
Bangalore-560 068, Karnataka.
Residing at #13, 4th Cross, Suprajanagar,
Konankunte, Bangalore-560 078, Karnataka.
3. Shri Sanganna Aminappa Hippargi,
Working as Scientist-D,
CSTRI, Central Silk Board,
CSB, Complex, BTM Layout,
Bangalore-560 068.
Residing at CSB Staff Quarters, BTM Layout,
Bangalore-560 068, Karnataka.
4. Shri.K.Jaganathan,
Working as Scientist-D,
CSTRI, Central Silk Board,
CSB, Complex, BTM Layout,
Bangalore-560 068.
Residing at D-24, Block-3
CSB Staff Quarters, BTM Layout,
Bangalore-560 068, Karnataka.
5. Shri.H.H.Shambulingappa,
Working as Scientist-D,

CSTRI, Central Silk Board,
CSB, Complex, BTM Layout,
Bangalore-560 068, Karnataka.
Residing at No.13, East End D Main Road,
East End, Jayanagar 9th Block,
Bangalore-560 034, Karnataka.

6. Shri.Basavaraj Herakal,
Working as Scientist-D,
CSTRI, Central Silk Board,
CSB, Complex, BTM Layout,
Bangalore-560 068, Karnataka.
Residing at No.70, BTM II Stage,
Tavarekere, Bangalore-560 079, Karnataka.

7. Dr.Ravindra Singh Teotia,
Working as Scientist-D,
Central Silk Board,
CSB Complex,
5th Floor, BTM Layout,
Bangalore-560 068, Karnataka.
Residing at CSB Quarters,
CSB Complex, BTM Layout ,
Bangalore-560 068, Karnataka.

8. Shri.K.S.Gopal,
Working as Scientist-D,
Central Silk Board, CSB Complex,
1st Floor, BTM Layout,
Bangalore-560 068, Karnataka.
Residing at B-101, VRR Nest
Beratena Agrahara,
Begur Hobli, Electronic City,
Bangalore-560 100, Karnataka.

9. Dr. Uday C Javali,
Working as Scientist-D,
CSTRI, Central Silk Board,
Residing at "Namme Nilaya,
Shivagiri, Jayanagar,
Dharwad-580 007, Karnataka

10. Shri.K.N.Mahesh,
Working as Scientist-D,
CSTRI, Central Silk Board,
Residing at D 297,
Sri Isiri Gowdagere Street,
Behind Canara Bank,
Chickballapur-562 105. Karnataka.

11. Shri. N.M.Biram Saheb
Scientist-D (Retd), Central Silk Board,
Bangalore-560068, Karnataka
Residing at #19, 3rd Floor, 4th Main
Ganganagar Extension, R.T.Nagar Post
Bangalore-560 032, Karnataka.

12. Dr.A.Naseema Begum,
Scientist-D (Retd), Central Silk Board
Residing at # 204, 1st Main, 8th Cross
Srirampura II Stage,
Mysore-570 023, Karnataka.

13. Shri Prakash Y. Naik
Working as Scientist-D
CSTRI, Central Silk Board
Residing at # 1235/g,
5th Main, 'E' Block,
Rajajinagar, II Stage,
Bangalore- 560 010, Karnataka.

14. Shri Sreenivasa
Working as Scientist D
CSTRI, Central Silk Board
BTM Layout, Madiwala,
Bangalore-560 068, Karnataka.
Residing at Flat No.104, 1st Floor,
Abhivrudhi Paradise, Hosahalli,
Thalaghattapura Post,
Bangalore-560 062, Karnataka.

15. Shri. Mudakappar Itagi,
Working as Scientist-D,
CSTRI, Central Silk Board,
DCTSC Rayapura,
Dharwad, Karnataka
Residing at: # 51/A,
KCC Bank Layout,
Navanagar, Hubli,
Dist. Dharwad, Karnataka.

16. Shri. S M Hukkeri,
Working as Scientist-D,
CSRTI, Central Silk Board
Srirampura, Mysore-570 008.
Residing at: # 259, 9th Cross,
Srirampura 2nd Stage,
Mysore-25, Karnataka

17. Shri. Mallappa Shirol
Working as Scientist-D,
CSTRI, Central Silk Board,
Residing at: H.No.106,
Aishwarya Omate Apartment,
11th Cross, 35th Main,
Sarakki 1st Phase, J.P. Nagar,
Bangalore-560 078 Karnataka.

18. Shri.M.G.Mahesh,
Working as Scientist-D,
CSTRI, Central Silk Board,
CSB Complex, BTM Layout,
Bangalore-560068, Karnataka
Residing at: Duo City Heights Apartments,
Basapura, Electronic City Post,
Bangalore-560 100, Karnataka.

19. Dr.K.Bhogesha,
Scientist-D(Retd.), Central Silk Board
Residing at #728, 3rd Cross Boagadi II
Mysore-560026, Karnataka.

20. Dr.H.Jagadish Prabhu
Working as Scientist-D, SSPC,
NSSO, Central Silk Board
Hosur (Tamil Nadu),
Residing at: Prathyusha,
3rd Floor, No.29, Model House,
2nd Street Basavanagudi
Bangalore-560 004, Karnataka.

21. Dr.H.S.Phaniraj
Working as Scientist-D,
NSSO, Central Silk Board
BTM Layout,
Bangalore-560 068, Karnataka,
Residing at: # 50, III Cross,
Eashwaranagara, BSK-11,
Kadirenahally Cross,
Bangalore-560 070, Karnataka.

22. Smt.T.D.Jyothi,
Scientist-D (Retd)
Central Silk Board,
Residing at No.96, Nandana,
2nd Main, 5th Cross,
Soudhamini Layout, Konankunte,
Bangalore-560 062, Karnataka.

23. Dr.D.Raghavendra Rao
 Scientist-D (Retd),
 Central Silk Board,
 Residing at # 328,
 Near Abbanrgudavalli (Vill)
 Kollur (P.O), Guntur (DT)-522324,
 Andhra Pradesh

24. Dr.D.Shankara,
 Working as Scientist-D (Retd),
 Central Silk Board,
 SSPC, NSSO,
 Near Gousia Engineering College,
 B.M Road, P.B.No.7,
 Ramanagaram-571 511, Karnataka,
 Residing at: No.40,
 Block-4, Madhuvan Layout,
 Srirampura, II Stage,
 Mysore-560 023, Karnataka.

25. Dr.Y.V.Ramanjaneyulu,
 Scientist-D (Retd), Central Silk Board,
 Residing at: No.402, B-5, Kailas,
 BDA Jnanbharathi Residential Enclave,
 Valagerahalli, Opp Mylasandra Gate,
 BM Road, Kengeri,
 Bangalore-560 059, Karnataka.

26. Smt.Sabitha.N,
 Working as Scientist D, SSPC,
 NSSO, Central Silk Board,
 Hunsur Road, K R Nagar,
 Mysore Karnataka,
 Residing at: 'SHERAWALLI' ,
 No.827, 26th Cross, 4th Main Road,
 Vidyaranyapuram,
 Mysore-570 008, Karnataka.

27. Shri.J.Somi Reddy,
 Scientist D (Retd), Central Silk Board,
 Residing at: No.196, Saisiva,
 5th Cross, I Main Road, 2nd Stage,
 Arekere, Mico Layout B.G Road,
 Bangalore-560 035. Karnataka.

28. Shri. M.Mohandasa Shanbhogue,
 Working as Scientist D,
 SSPC, NSSO, Central Silk Board,

Opp. Srinath Polytechnic,
Manandavadi Road,
Vidyaranyapuram,
Mysore-570 008, Karnataka,
Residing at: Type: IV/10,
CSB Staff Quarters,
Manandavadi Road, Vidyaranyapuram,
Mysore-570 008, Karnataka.

29. Dr.R.Dayananada Reddy,
Scientist D (Retd), Central Silk Board,
Residing at: II-161-A-3-41,
SBI Colony, Madanapally-517 325,
Chittoor Dist, Andhra Pradesh.

30. Dr.D.Subba Rao,
Scientist D (Retd),
Central Silk Board,
Residing at: #48 17-4/2,
Nagarjuna Nagar Colony,
Opp. Health University,
Vijaywada-520 008, Andhra Pradesh.

31. Dr.R.N.Prasad,
Working as Scientist-D,
Central Silk Board,
Sericulture Service Centre
LIC Colony, Vijaywada-520 008,
Andhra Pradesh,
Residing at: GF-4,
Vijayalakshmi Tours-1,
Opp to Autonagar Bus Stop,
Vijayawada-560 006, AP

32. Dr.R.S.Jaikishan Singh,
Working as Scientist-D,
BSM&TC, Central Silk Board,
Ambikapur, Chattisgarh,
Residing at: H. No.10-5-785/5A
Sainagar, Thukaramgate,
North Lallaguda,
Secunderabad-500 017,
Telangana State.

33. Shri.B.V.Sanjeeva Rao,
Working as Scientist-D,
REC, Central Silk Board,
Metapally, Jagityala Dist-507 325, Telangana
Residing at: 5-11-185,

Nayeem Nagar, Behind Shakti Towers,
Hanumakonda, Wrangal Dist. Telangana.

34. Shri.M.Subba Rao,
Working as Scientist-D,
Central Silk Board,
Flat 101, Fort View Apt.
Hyderguda, Attapur,
Hyderabad-500 048, Telangana
Residing at: Flat No.101,
C/o M.Sai Lakshmi
Fortview Apartments,
Near Gnanaprabha School,
Hyderguda, Attapur,
Hyderabad-500 048, Telangana.

35. Dr.Cheenepalli Ravi Shankara
Working as Scientist-B,
REC, Central Silk Board,
27, CTR & TI, H.No.11-1-175
Opp. Kodandarama Temple
Bhadrachalam-507 111,
Andhra Pradesh.

36. Dr.V.V.V.S.K.Venu Babu,
Scientist-D (Retd),
Central Silk Board
Residing at: Sivalayam Road,
Sivadevuri Chikkala-534 245,
Palakollu Mandalam,
West Godavari Dist, Andhra Pradesh.

37. Dr.P.Deepa,
Working as Scientist-D,
SSPC, NSSO, Central Silk Board,
Residing at No.III/161-28/1.
SBI colony extension,
Madanapalle-517 325, Chittoor Dist, A.P

38. Sri.M.Ramesh,
Working as Scientist-D, SSPC,
NSSO, Central Silk Board,
Mandapalle-517 325
Chittoor District, Andhra Pradesh,
Residing at: Type IV,
Staff Quarters, SSPC, NSSO,
Central Silk Board, Bengaluru Road,
Nakkaladinne, Madanapalli, AP.

39. Dr.M.Venkateshwara Rao,
Scientist-D (Retd), Central Silk Board
Residing at No.14-10-10/9,
Chetty Street, Near Sub-Collectors Bungalow,
Royepete, Narsapur,
West Godavari-Dist, AP-534 275

40. Dr.R.S.Katiyar,
Scientist-D (Retd), Central Silk Board
Residing at: # 31, Reshme Nagara,
Behind Jusco Water Tank, J.P Nagar,
Srinagara Main Road,
Mysuru-570 031, Karnataka.

41. Dr.G.Hariraj,
Working as Scientist-D,
CSTRI, Central Silk Board,
CSB Complex, BTM Layout,
Bangalore, Residing at: #49,
3rd Cross, CSB Layout, Kasavanahalli,
Bangalore-560 035, Karnataka.

42. Dr.Kariyappa,
Working as Scientist-D,
CST&RI, Central Silk Board,
Residing at: # Golden Enclave,
behind Tapovana Greens,
Opposite to BSNL Office,
Srirampura 2nd Stage,
Mysore-570 023, Karnataka.

43. Shri.K.P.Shivakumar,
Working as Scientist-D, CTC,
Central Silk Board,
Coimbatore, Tamilnadu
Residing at:B4, S.P.P. Apartment,
Gowri Palyam, (Near Kannpiram Mill Road),
Coimbatore (Tamil Nadu).

44. Shri.Shivakumar B Murgad
S/o Sri.B.C.Murgod,
Working as Scientist-D,
CSTRI, Central Silk Board,
Residing at: Vidyanagar Annigere
Dharwad Dist. Karnataka-582 201.

45. Shri.B.G.Patil
Working as Scientist-D,
CSTRI, DCTSC, Central Silk Board

D. No. 41A, Dekishpetai,
Tiruputtur Road,
Dharmaphuri-636 701, TN.
Residing at: # 44, Gangothri,
3rd Cross, Vastu Enclave,
Bangalore-560 068, Karnataka.

46. Shri Kiran B.Malali,
Working as Scientist-D,
CSTRI, Central Silk Board,
CSB Complex, BTM Layout,
Bangalore-560 068, Karnataka
Residing at: # 202,
Crystal Park Apartment,
3rd Cross, 36th Main,
BTM Layout, First Stage,
Bangalore-560 068, Karnataka.

47. Mrs.Sridevi Kathari,
W/o Late V P Kathari,
Ex-Scientist-D, CSTRI,
Central Silk Board,
Residing at: #303,
Site No.92, 3rd Main,
Sri Balaji Nivas,
Purna Pragya Layout,
Kengeri Main Road,
Bangalore-560 061, Karnataka.

48. Dr.V.Nishita Naik
Working as Scientist-D,
P-4 Basic Seed Farm,
Hassan, Karnataka,
Residing at: Flat No.102, Star Medows,
Opp: Padmashree Hotel, Pumpwell,
Mangalore, Karnataka.

49. Dr.K.K.Sharmila,
Working as Scientist-D,
P2 BSF, NSSO, Central Silk Board,
Dharmapura, Ratnapuri Post,
Husur, Tamil Nadu
Residing at: 34/B,
Chiranthana, IV Main, M-Block,
Kuvempunagar,
Mysuru-570 023, Karnataka.

50. Dr.Y.C.Radhalakshmi,
Working as Scientist-D,

CSTRI, Central Silk Board, BTM Layout,
Bangalore-560 068, Karnataka,
Residing at: No.652,
7th Main, 11th Cross,
BTM Layout, II Stage,
Bangalore-76, Karnataka.

51. Smt. Suma. A.S,
Working as Scientist-D,
P2 BSF, NSSO, Gavimata,
K.R.Pet, Karnataka,
Residing at: #6, I Floor,
23rd Block, BEML Layout,
Srirampura II Stage,
Mysuru-570 023, Karnataka.

52. Dr.B.T.Sreenivasa
Working as Scientist-D
CSR&TI, Srirampura,
Mysore-570 008, Karnataka,
Residing at: # 2, Srirangadhama,
Chaitra P.U College Road,
Srirampura, Mysuru-570 008, Karnataka.

53. Sri.J.P.Renukeshwarappa,
Scientist-C (Retd),
Central Silk Board,
Residing at: # 178 Ranganath Nilay
4th Main, LIC Colony
Srirampura 2nd Stage,
Mysore – 570 023, Karnataka

54. Dr.A.R.Narasimha Nayaka,
Working as Scientist-D, CSR & TI, Srirampura,
Mysore-570 008, Karnataka,
Residing at: # 01, SR Layout,
Srirampura 2nd Stage,
Mysore-570 023, Karnataka.

55. Dr. R. Meenal,
Working as Scientist-D,
CSR&TI, Srirampura,
Mysore-570 008, Karnataka,
Residing at: No.6, Block-14,
BEML Nagar, Srirampuram II Stage,
Mysore-570 023, Karnataka.

56. Shri.Dasappa,
Scientist D(Retd),

Central Silk Board,
Residing at: # 1222, I Block,
Sir.M.Visveshwariah Layout,
Kengeri Satellite town,
Bengaluru-560 060, Karnataka.

57. Shri.Mukund.V.Kirsur
Scientist-D (Retd), Central Silk Board,
Residing at: No.370, 7th Cross,
II Main, Srinivasanagar,
Banashankari First Stage,
Bangalore-560 050, Karnataka.

58. Shri.Rajashekar Krishnan,
Working as Scientist-D,
CSR&TI, Central Silk Board,
Mysore-570 008, Karnataka,
Residing at: 393, II Cross,
LIC Colony, Srirampura-II Stage,
Mysuru-570 023, Karnataka.

59. Dr. S.N.Pallavi,
Working as Scientist-D,
RSRS, Central Silk Board,
Charmarajanagar-Karnataka
Residing at: # 70,
Nele, 4th Main Road,
Bhogadi II Stage,
Mysore-570 026, Karnataka

60. Shri.N.Mal Reddy,
Scientist-D (Retd),
Central Silk Board,
Residing at: No.520/E,
4th Main, 18th Cross,
Vidyaranyapuram,
Mysuru-570 008, Karnataka

61. Dr.V N Sudha,
Scientist-D (Retd),
Central Silk Board,
Residing at: # 286,
Prashanthi, 6th Cross,
Siddalingeshwara Layout,
J P Nagar II Stage, Mysore-8.

62. Shri.C.Parameshwara,
Working as Scientist-D,
CSR&TI, Central Silk Board,

Srirampura, Manandavadi Road,
Mysore-570 008, Karnataka,
Residing at No.4191,
10th Cross, II Stage Vidyaranyapura,
Mysore-570 017, Karnataka

63. Dr.K.Srikanta Swamy,
Scientist-D(Retd),
Central Silk Board,
Residing at: No.509 18th Cross,
R.K.Nagar, G Block,
Mysore-570 023, Karnataka.

64. Dr.Narpat Raj Singhvi,
Working as Scientist-D,
Central Silk Board,
CSB Complex, 6th Floor,
BTM Layout, Bangalore-560 068.
Residing at: B-3-204,
Elita Promenade,
J.P.Nagar 7th Phase,
Bangalore-560 078, Karnataka.

65. Dr.P.C.Santha,
Working as Scientist-D,
CSTRI, Central Silk Board,
Mysore-570 008, Karnataka,
Residing at: House No.6,
Type-4, CSRTI Staff Quarters,
Vidyaranyapuram Campus,
Mysore-570 008, Karnataka.

66. Dr.Mary Josepha (Shery) A.V,
Working as Scientist D,
CSR&TI, Central Silk Board,
Mysore-570008, Karnataka,
Residing at: No.11,
CSRTI Quarters,
Vidyaranyapuram,
Mysore-570008, Karnataka

67. D.Vinod Kumar,
Central Silk Board,
Scientist-D (Retd),
/O Suresh Chandra,
Residing at: # 420, II Main,
I Cross, LIC Colony,
Srirampura Second Stage,
Mysore-570023, Karnataka

68. Shri.Bhanu Prakash Raj,
Scientist-C (Retd), CSTRI,
Central Silk Board,
Residing at: Flat No.G-04,
Block – CIS-4, Shantiniketan
Layout, Arekere, B.G.Road,
Bangalore-560 076, Karnataka.

69. Shri.Mohan B,
Working as Scientist-D
Satellite Silkworm Breeding Station
Cornwall Road, Coonoor-1,
Nilgiri Dist, Tamil Nadu,
Residing at # 11, SSBS Officials Quarters,
CSB Campus, Cornwall Road,
Coonoor-643101,
The Nilgiris, Tamil Nadu.

70. Dr.J.Ravikumar,
Working as Scientist-D, SSPC,
NSSO, Central Silk Board,
Near Rampura Gate,
Kolar Road, P.B.No.17,
Chintamani-563125,
Dist. Chikkaballapur (Karnataka)
Residing at: 148-3, Agil apartment,
Parvathi Street, Bhuvaneshwari Nagar,
New Fair Lands, Salem-636016, Tamil Nadu

71. Shri.R.Radhakrishnan,
Scientist-C (Retd), Central Silk Board,
Residing at No.29/14, Flat B, Kamadenu Flat
1st Main Road, Thillai Ganga Nagar,
Chennai-600 061, Tamil Nadu.

72. Shri.N.Balachandran,
Working as Scientist-D,
CSGRC, Central Silk Board,
PO Box No.44, Thally Road,
Hosur-635109, Tamil Nadu,
Residing at: # 9, Jawahar Nagar First Cross,
Thally Road, Hosur-635 109.

73. Smt.M.Muthulakshmi,
Working as Scientist-D,
CSGRC, Central Silk Board,
PO Box No.44, Thally Road,
Hosur-635109, Tamil Nadu,
Residing at: # 9,

Jawahar Nagar First Cross,
Thally Road, Hosur-635 109.

74. Dr.K Ashok Kumar,
Working as Scientist-D,
Central Silk Board,
No.1-8-522/4, Chikkadapally,
Hyderabad, Telangana,
Residing at: Flat No.202,
Opposite to Chandana,
Brothers, Hyderabad-500 020,
Telangana State.

75. Smt.Anuradha H Jingade,
Working as Scientist-D,
CSR&TI, Central Silk Board,
Manandavadi Road,
Mysore-570 008, Karnataka,
Residing at: 107, 17th B Main,
11th Cross, Sector-4, HSR Layout,
Bangalore 560 102.

76. Sri.Y.Humayun Sharif,
Working as Scientist-C,
REC, Central Silk Board,
Bagalur Main Road, Berigai-635 105,
Residing at: Villa No.99,
4th Street, 4th Main,
Sai Sruthi Sangamam,
Adjacent to Titan township, Mathigiri,
Hosur-635 110, Tamil Nadu

77. Sri.R.Anbazhagan,
Working as Scientist-C,
REC, CSB, Ansari Street,
Udumalpet-642 126,
Tiruppur District, Tamilnadu
Residing at: No.6/1,
Ramaswamy Gounder Complex,
Khaboor Khan Extension East,
Opp: To Railway Station,
Udumalpet-642 126,
Tiruppur Dist, Tamil Nadu.

78. Dr.K.Chandra Sekaran,
Working as Scientist – D
REC Sub-Unit, Central Silk Board,
Ansari Street, Udumalpet-642 126,
Tiruppur District Residing at: No.57/1,

Sri Alagappn house, Andal Srinivasa,
Layout, Nehru Street Extension,
Udumalpet, Tiruppur Dist,
Tamil Nadu. -642 126,

79. Dr. P. Samuthiravelu
Working as Scientist D,
REC, Central Silk Board,
Ansari Street, Udumalpet 642 126
Residing at: Door No. 25,
Renganathapuram, Srivilliputtur,
Virdhunagar Dist, Tamil Nadu

80. Dr. C.M. Babu,
Working as Scientist D,
REC, Central Silk Board,
Ansari Street, Udumalpet 642 126
Tiruppur District
Residing at: No. 5/435
Sriramnagar Part II,
Sri Ramasamy Nagar,
Udumalpet 542 126,
Tiruppur Dist., Tamil Nadu

81. Shri V.K. Ramesh Babu,
Aged 48 years, S/o V. Krishivan,
Working as Scientist-C, CSTRI,
Central Silk Board, Madiwala,
Bangalore 560 068
Residing at: # 05, 1st 'A' Cross,
'A' Block, Vinayak Nagar, HAL Post,
Bangalore 560 017

82. Smt. P.V. Soudaminy,
Working as Scientist D, CSR&TI,
Central Silk Board, Mysore 560 008,
Karnataka. Residing at: Type IV No.7,
CSB Staff Quarters, V.P. Farm Campus,
Mysore 657 0008, Karnataka

83. Dr. V. K Rahamathulla,
Working as Scientist-D,
Seed Section, Central Silk Board,
BTM Layout, Madiwala,
Bangalore 560 068, Karnataka
Residing at: # 402, SLR Residency,
Infront of Nydhil Apartment,
Gottigere, Bannerghatta Road,
Bangalore 560 083, Karnataka

84. Shri Joy Naliath John,
Working as Scientist D, Training Section,
Central Silk Board, BTM Layout,
Bangalore 560 068,
Residing at: Naliath, Thamarassery P.O.,
Kozhikode, Kerala 673 573

85. Shri A Ganana Kumar Daniel
Working as Scientist-D,
Rec, Central Silk Board,
Residing at: No. 139, Thyagaraja Colony,
Pasumali, Madurai 625 004,
Tamil Nadu

86. Shri T. Sivasubramanian,
Working as Scientist-D,
REC, Central Silk Board,
Kattapulli Nagar,
Samayanallur 625 402
Madurai Tamil Nadu.
Residing at: RSL Apartments,
B-Block, SF-B2, Vilankudi,
Madurai, Tamil Nadu 625 018

87. Dr. S. Masilamani,
Working as Scientist-D,
REC Central Silk Board,
Pollupalli Village,
Baillanakuppam Post,
Krishnagiri District, Tamil Nadu,
Residing at: MIG 128A, Avalpalli,
HUDCO, Bagalur Road,
Hosur 635 109, Tamil Nadu

88. Dr. S.R. Ramesh,
Scientist-D (Retd),
Central Silk Board,
Residing at: No. 33B, 3rd Cross,
A-Sector, Amruthnagar,
Sahakara Nagar Post Office,
Bangalore 560 092, Karnataka

89. Dr. A. Ananda Rao,
Scientist-D (Retd),
Central Silk Board,
Residing at: Flat No. 101,
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92. Shri Jayant Jayaswal
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93. Shri Syed Samiulla
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99. Shri Vinod Krishna Rao Harlapur,
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125. Shri Mathi Azhagan,
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126. Dr. Jameela Khatoon,
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137. Dr. T. Mogili,
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138. Dr. Dinesh Datta Sharma,
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139. Dr. S.D. Sharma,
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Srirampura II Stage,
Mysore 570 023, Karnataka

140. Dr. T. Himantharaj,
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141. Dr. V. Girish Naik,
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142. Dr. B. Mallikarjuna,
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145. Dr. S.K. Ashwath,
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146. Smt. M.G. Sabitha,
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157. Shri V. Chinnadurai,
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158. Dr. T.S. Krishnamoorthy,
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172. Dr. Dayananda,
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173. Dr. Gandhi Doss S,
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188. Dr. Jalaja S. Kumar,
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Madakasira, Andhra Pradesh

193. Dr. Rajendra Prasad Saraswat,
Scientist-D (Retd),
Central Silk Board,
Residing at: No. D-202,
DSK Chandradeep,
Mukundnagar,
Pune 411 037, Maharashtra

194. Shri T. Jayappa,
S/o Thimmaiah,
Working as Scientist-D, RSRS,
Central Silk Board,
Residing at: No. 123/1,
Thubarahally, R.G. Hally, Post,
Bengaluru 560 066, Karnataka

195. Shri C.R. Nagaraj,
Working as Scientist-D,
Central Silk Board,
Residing at: Flat No. 2A,
Shri Balaji Nilaya, No. 19,
Subramanyapura Main Road,
Padmanabha Nagar,
Bengaluru 560 061, Karnataka

196. Dr. K. Vijayan,
Working as Scientist-D,
RCS Section, Central Silk Board,
Residing at: No. 407,
Brindavan Serenity
Apartment, Kasavanahalli,
Bengaluru 560 035, Karnataka

197. Shri M. Venkatachalapathy,
Working as Scientist-D,
Central Silk Board,
Residing at: No. 2-165, Old Town,
Kamakshamma Layout,
Yelahanka Main Road,
Bengaluru 560 064, Karnataka

198. Dr. Pratheesh Kumar P.M.,
Working as Scientist-D,
Central Silk Board,
Residing at: No. B8A,
Sridhara Apartment,
Visweswarayya Nagara,
Mysuru, Karnataka

199. Shri A. Mani,
Scientist-D (Retd),
Central Silk Board,
Residing at: C/O M. Saravanan,
S5, Sumangali Alpha Flat,
Vallimman Street,
CBI Colony Extension, Medavakkam
Chennai 600 100 Tamil Nadu

200. Shri Iswar,
Working as Scientist-D, REC,
Central Silk Board, Silk Farm,
Biduguppe 562 107,
Anekal Taluk, Karnataka
Residing at: 4/38 4th Cross,
New Bayappanahally Extension,
Indiranagar post 560 038, Bangalore

201. Dr. Mohandas T.P.,
Working as Scientist-D,
Central Silk Board,
Residing at: Olivia, Trithala Road,
P.O. Koottanad, Palakkad Dist,
Kerala 679 533

202. Dr. Randhir Kumar Sinha,
Scientist (Retd), Central Silk Board,
Residing at: No. 11, Trishn Society,
Mukai Nagar, Kaadakwasla,
Pune 411 024 (Maharashtra)

203. S. Radhakrishnan,
Scientist-D (Retd),
Central Silk Board
Residing at: Old No. 6A/122 A,
New No. 95/122A, Maligaikadai Street,
Attayampatty (PO), Salem Dist,
Tamil Nadu 637 501

204. Shri S.K. Hanumantharayappa,
Working as Scientist-D,

Central Silk Board,
Residing at: No. 92, 3rd Main,
BHEL Layout, Ambhabhavani Nagar,
(Near Sambhram College),
Vidyaranyaपुरa, Bengaluru 560 097,
Karnataka

205. Dr. K. Jhansi Lakshmi,
Working as Scientist-D,
Central Silk Board,
Residing at: No. 20, Little Wood Residency,
II Cross, Thally Road,
Hosur 636 109, Tamil Nadu

206. Dr. R. Balakrishna,
Scientist-D (Retd), Central Silk Board,
Residing at: House No. 1800/B,
“APEKSHA”, Bramarambha Choultry,
Main Road, Srirampura III Stage,
Mysuru 5700 023, Karnataka

207. Dr. N. Sakthivel,
Working as Scientist-D,
Central Silk Board,
Residing at: No. 15/8A, Shivaya Nagar,
7th Cross, II Main Road,
Alagapuram (Post),
Salem 636 016, Tami Nadu

208. Shri P. Kumaresan,
Working as Scientist-D,
Central Silk Board,
Residing at: Plot No. 57-A,
Thirupathy Valley,
Kothagardapalli, Hosur 635 109,
Krishnagiri Dist, Tamil Nadu

209. Dr. S.K. Bhargawa,
Scientist-C (Retd), Central Silk Board,
Residing at: # 90, CSB Layout,
Kasavanahalli, Bangalore 560 035

210. Shri G. Ravikumar,
Working as Scientist-D, SBRL
Central Silk Board, Kodathi,
Bangalore, Karnataka
Residing at: #705, Ansal Krsna
2 Apartment, Aduodi,
Bangalore 560 030, Karnataka

211. Shri P. Ram Tarak Rao,
Scientist-D (Retd), Central Silk Board,
Residing at: No. 104, Geetanjali City,
Phase-1, Betharai Road, P.O.
Bilaspur 495 006 (Chhattisgarh)

212. Dr. Raveendra
Scientist-C (Retd), Central Silk Board,
Koustubham 3241, 9th Cross,
Srirampura Second Stage,
Mysore 570 023, Karnataka

213. Dr. Vinod B Mathur,
Scientist-D (Retd), Central Silk Board,
Residing at: #1178 IA Main
Srirampura Second Stage,
Mysore 570 023, Karnataka

214. Shri R. K. Subramanyam,
Scientist-D (Retd), Central Silk Board,
Residing at: #1176, IA Main,
Srirampura Second Stage,
Mysore 570 023, Karnataka

215. Shri T.S. Mahadevamurthy,
Scientist-D (Retd), Central Silk Board,
Residing at: #1893, 5th Main,
Devana Hundi, Second Stage,
Srirampura, Mysore 570 023

216. Shri K.N. Puttegowda,
Scientist-D (Retd), Central Silk Board,
Residing at: #233 9th Cross,
Srirampura Second Stage,
Mysore 23, Karnataka

217. Shri Ramesh Kumar
Working as Scientist-C,
REC Sub Unit, Central Silk Board,
Bidar, Karnataka
Residing at: Santh Bhavan, Pakalkuri
PO Thiruvananthpuram – Dist,
Kerala 695 604

218. Dr. A.R. Pradeep,
Working as Scientist-D,
SBRL, Central Silk Board,
Kodathi, Bangalore

Residing at: #203, KRISTAL OPAL,
13 A-CROSS, 8th Main,
BTM IIInd Stage, Bangalore 570 076,
Karnataka

219. Dr. M.K. Raghunath,
Working as Scientist-D,
REC Sub Unit, Ranebannur 58115
Residing at: No 317, first floor,
11th Main E-Block, JP Nagar,
Mysore 570 031, Karnataka

220. Dr. Nageswara Rao S
Scientist-C (Retd), Central Silk Board,
Residing at: #22, Santhosh Nagar,
Phase II, (Behind Blue Bell School),
Attur Layout, Yelahanka New Town,
4th Phase, Bangalore 64, Karnataka

..... Applicants

(By Advocate M/s Lawnest)

Vs.

1. Union of India,
Represented by the
Secretary to Government,
Ministry of Textiles,
Government of India,
Udyog Bhawan, New Delhi – 110 001

2. Central Silk Board,
(Established by the Govt. of India and
Ministry of Textiles is an Administrative Ministry)
CSB Complex, BTM Layout,
Madiwala, Bangalore 560 068

3. The Department of Personnel and Training,
Represented by the Secretary,
Ministry of Personnel Public
Grievance and Pensions,
Govt. of India, New Delhi – 110 001

....Respondents

(By Shri V.N. Holla, Senior Panel Counsel for Respondent No. 1 and
Shri Vishnu Bhat, Senior Panel Counsel for Respondent No. 2 & 3)

O R D E R (ORAL)
(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. The matter is covered by our earlier order in one element of the issue in OA No. 170/01442-1445/2018 vide order dated 21.03.2019 which we quote:

"ORDER (ORAL)
HON'BLE DR. K.B. SURESH, MEMBER (J):

1. *Heard. The matter relates to promotion granted almost a decade back. In this connection we need to refer to Annexure-A10 which we quote:-*

*"F.No.25012/54/1999-Silk
 Government of India
 Ministry of Textiles*

*Udyog Bhavan
 New Delhi
 Date: 18th January, 2012*

TO
 The Member Secretary,
 Central Silk Board,
 B.T.M.Layout, Madivala,
 Bangalore – 560 068.

Sub: Holding of Assessment interview for CSB under Modified Flexible Complementing Scheme-Nomination of Ministry's representative on the Assessment Committee- reg.

Madam,

In continuation of this Ministry's letter of even number dated 13th January,2012, on the subject cited subject, I am directed to state that the following officers are nominated as Ministry's representative in the Assessment Committees for interviews for promotion.

1. *Shri Arindam Basu, Director (CSR&TI), Bangalore: Scientist 'B' to Scientist 'C'*
2. *Shri S.M.H. Qadri, Director (CSR&TI), Mysore : Scientist 'C' to Scientist 'D'*
3. *Shri N.D.George, Economic Adviser Ministry of Textiles : Scientist 'D' to Scientist 'E'*

2. Shri R.K.Vashisht, Under Secretary (Silk) would also be present in the meetings.

This issues with the approval of Secretary (Textiles).

Yours faithfully

Sd/-

(R.K.Vashisht)

Under Secretary to the Govt. of India

Tele:No.23062341”

2. Following Annexure-A10, after 4 years time Annexure-A11 seems to be issued, which we quote:-

“No. CSB.7(7)/2015-ES-II

Date 17th February, 2016

*The Joint Secretary (silk),
Ministry of Textiles,
Govt. Of India,
Udyog Bhavan,
Maulana Azad Road,
New Delhi – 110 107.*

Madam,

Sub: Extension of in situ promotion under FCS to CSB Scientists from the grade of Scientist-D to Scientist É – regarding.

Kindly refer to Ministry's letter No.25012/02/2015-Silk dated 14th December, 2015 on the above subject. The Ministry's observation has been noted and the lapse on the part of CSB is admitted. However, as indicated in our letter of even number dated 7th October, 2015, after receipt of Ministry's letter No,25012/54/99-silk dated 11th August, 2008, the issue was discussed with Shri Manish Kumar Gupta, then Director (Silk), Ministry of textiles when he came to Bangalore on 26th August 2008 and as per his suggestion, a reply clarifying the position was furnished to the Ministry vide letter dated 29th August 2008 and CSB was awaiting further instructions from the Ministry on this issue.

Further, Ministry while rejecting CSB's proposal for extension of FCS at higher levels vide letter dated 13th July2009 had indicated that it has been decided that the disposal of CSB to extend the FCS for CSB Scientists at the level of Scientist-E to Scientist-F and Scientist-F to Scientist-G cannot be acceded to. This also gave an impression that FCS sanctioned was at the levels from Scientist-B to Scientist-C Scientist-C to Scientist-D and Scientist-D to Scientist-E.

Since CSB was awaiting further instructions from the Ministry based on the clarifications furnished to the Ministry on 29th August, 2008, the then Member-Secretary had orally instructed that the practice of effecting in situ promotion from Scientist-D to E may be continued till we get clear orders from the Ministry and it is for this reasons that the two Officers were promoted in 2009 to 2010. This was approved by the then Member-Secretary both at the Screening stage as also after the Assessment interview. Further, status reports for having effecting these two promotions were promptly submitted to the Ministry. It is therefore clear that the officials who handled the subject acted in good faith as per the instructions and with the approval of the then Member-Secretary only and it was not deliberate.

In view of the position indicated above, as the Officials have discharged their duties in good faith, it is requested that the matter may kindly be re-examined and treated as closed.

Yours faithfully
Sd/-
(Dr. H.Nagesh Prabhu)
Member-Secretary”

3. The matter in issue seems to be that now the Ministry has devised a view that only the Scientists up to the level of D in the Central Silk Board (CSB), going by the size of that organization can be held to be eligible for Flexible Complementing Scheme of promotion which are available to all other Scientists in all other organizations. They say that this new view taken by the Ministry had therefore restricted the promotion of those Scientists from D to E and above on the Flexible Complementing Scheme. It was apparently after discussion, as found from the records of the Ministry's letter No. 25012/54/99-Silk dated 11.8.2008 that the issue was discussed with the Director (Silk), M/o Textiles and as per a suggestion clarified the position furnished to the Ministry and vide letter dated 29.8.2008 and apparently the Central Silk Board was awaiting further instructions from the Ministry on this issue. The Ministry now would say that for all these years Ministry had not given a clarification. But then, the then Member Secretary had orally instructed that the practice of effecting insitu promotion for Scientists from D to E may be continued. This word 'continued' indicates that this practice was in vogue in the Central Silk Board till then. Therefore, if any current practice has to be stopped then it is to be by way of a compelling significant move. It cannot be by silence. In the interregnum between this and February 2016 apparently some persons were promoted. In the promotion DPCs representatives of Ministry had also attended and they were thereafter promoted.

4. Now the case of the Ministry seems to be that they will not recover any amounts from these persons. But they want to declare

these promotions as ill begotten promotions and cancel them with a recurring effect on the applicants' in the fag end of their life. Some of them are 68-72 years of age. Therefore, it is submitted that the crucial effect of the White Washers judgement and the soul of the judgement will visit these persons' careers at the fag end of these persons careers. It may not be justified that their regularly obtained promotion at least at that point of time is under the vision even the Ministry at that point of time may not be now set aside. The matter seems to be covered by an order of the Hon'ble Apex Court in Kusheswar Nath Pandey vs. State of Bihar & others reported in (2013) 12 SCC 580 which we quote:-

*“REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 6658 OF 2013
(Arising out of SLP(C)No. 4037/2013)
KUSHESWAR NATH PANDEY .. APPELLANT(S)
vs.
STATE OF BIHAR & ORS. .. RESPONDENT(S)
J U D G M E N T
H.L.GOKHALE, J.*

Heard Mr. Nagender Rai, learned senior counsel appearing for the appellant, Mr. Arijit Prasad, learned counsel for the State of Bihar and Mr. Mohan Jain, learned Additional Solicitor General for the respondent no.5. Leave granted.

2. This appeal seeks to challenge the judgment and order rendered by the Division Bench of the Patna High Court in L.P.A. No. 266 of 2011 dated 19.9.2012 whereby the Division Bench reversed the judgment of the Learned Single Judge of that High Court in case No. 4369 of 2010.

3. The facts leading to this case are as under: The appellant herein joined the service under the State of Bihar on 5th May, 1979 and on 29th August, 1981, he was promoted as a Correspondence Clerk. An order was subsequently issued by the Finance Department on 13.11.1998 granting him promotion with effect from 1st September, 1991 which was a time bound promotion. Subsequently it was found that this promotion was irregular for not passing a promotional examination prior thereto and therefore the orders were issued on 16.9.2009 and 5.10.2009 for canceling this time bound promotion.

4. Being aggrieved by that order, the appellant filed the above referred writ petition No. 4369/2010. Learned Single Judge of the High Court who heard the matter allowed that writ petition. He held that the time bound promotion granted to the appellant eleven years earlier was not because of any fault or fraudulent act on the part of the appellant, and therefore could not be cancelled. The Learned Single Judge allowed

that writ petition and set aside the order of cancelling his promotion. It is also relevant to note that the appellant had passed the required examination in the meantime in 2007 and had retired on 31st May, 2009.

5. Being aggrieved by that order, respondents herein, filed an appeal which has been allowed by the Division Bench. The Division Bench found that the promotion was not approved by the competent authority and passing of the Accounts examination was condition precedent and therefore the decision of the Government to cancel his promotion was a proper one. Being aggrieved by this judgment, the present special leave petition has been filed.

6. Mr. Rai, learned senior counsel for the appellant points out that there was no fraud or misrepresentation on the part of the appellant. The appellant was given a time bound promotion by the concerned Department. If at all the examination was required to be passed, he had passed it subsequently in 2007 much before the cancellation orders were issued in 2009. Mr. Rai relied upon two judgments of this Court in case of Bihar State Electricity Board and Another vs. Bijay Bhadur and Another reported in (2000) 10 SCC 99 and Purushottam Lal Das and Others vs. State of Bihar and Others reported in (2006) 11 SCC 492 wherein it has been held that recovery can be permitted only in such cases where the employee concerned is guilty of producing forged certificate for the appointment or got the benefit due to misrepresentation.

7. The learned counsel for the State of Bihar submitted that under the relevant rules passing of this examination was necessary. He referred us to the counter affidavit of the respondent No.1 wherein a plea has been taken that under the particular Government Circular dated 26.12.1985 the amounts in excess are permitted to be recovered. He relied upon clause (j) of the Government Circular dated 1st April, 1980 to the same effect.

8. Mr. Jain, learned Additional Solicitor General appearing for the Accountant General drew our attention to another judgment of this Court in Chandi Prasad Uniyal and Others vs. State of Uttrakhand and Others reported in (2012) 8 SCC 417 and particularly paragraph 14 thereof which states that there could be situations where both the payer and the payee could be at fault and where mistake is mutual then in that case such amounts could be recovered.

9. In our view, the facts of the present case are clearly covered under the two judgments referred to and relied upon by Mr. Rai. The appellant was not at all in any way at fault. It was a time bound promotion which was given to him and some eleven years thereafter, the Authorities of the Bihar Government woke up and according to them the time bound promotion was wrongly given and then the

relevant rules are being relied upon and that too after the appellant had passed the required examination.

10. In our view, this approach was totally unjustified. Learned Single Judge was right in the order that he has passed. There was no reason for the Division Bench to interfere. The appeal is therefore allowed.

The judgment of the Division Bench is set aside. The writ petition filed by the appellant will stand decreed as granted by the Learned Single Judge. The parties will bear their own costs.

.....J.

(H.L. GOKHALE)

.....J.

(J. CHELAMESWAR)

NEW DELHI;

AUGUST 5, 2013.

5. Thereafter, the applicant relies on one more judgement Sushil Kumar Singhal vs. Pramukh Sachiv Irrigation Department & others dated 17.4.2014 which we quote:-

“NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5262 OF 2008

SUSHIL KUMAR SINGHAL ...APPELLANT

VERSUS

PRAMUKH SACHIV IRRIGATION

DEPARTMENT & OTHERSRESPONDENTS

J U D G M E N T

ANIL R. DAVE, J.

1. Being aggrieved by the judgment delivered in Writ Petition No.95 of 2005 by the High Court of Uttarakhand at Nainital on 14th November, 2006, this appeal has been filed by the appellant-employee, from whom excess amount of salary, which had been paid by mistake is sought to be recovered and whose pension is also sought to be reduced.

2. The appellant retired on 31st December, 2003 as an Assistant Engineer and on the basis of his last salary drawn, his pension had been fixed. At the time of his retirement, his salary was Rs.11,625/- and on the basis of the said salary, his pension had been fixed.

3. After a few years of his retirement, it was found by the respondent employer that salary of the appellant had been wrongly fixed in 1986 and therefore, his salary had been re-fixed by an order dated 23.03.2005. On the basis of the re-fixed salary a sum of Rs.99,522/-

was sought to be recovered and for that purpose a notice had been issued to the appellant on 23.04.2005. In pursuance of the incorrect fixation of his salary in 1986, his salary at the time of his retirement had also been reduced from Rs.11625/- to Rs.10,975/- and therefore, his pension had also been reduced.

4. The aforestated action of the respondent-employer had been challenged by the appellant by filing the aforestated Writ Petition before the High Court. The High Court was pleased to reject the petition as it had come to the conclusion that the pay of the appellant had been wrongly fixed and therefore, the impugned action of the respondent-employer with regard to recovery of the excess salary paid and reduction in the pension was justified.

5. It had been submitted by the learned counsel appearing for the appellant employee that the impugned judgment delivered by the High Court is incorrect for the reason that the High Court did not consider the G.O. Dated 16.1.2007 bearing No.S-3-35/10-07-101(6)/2005 which reads as under:

“[1]. Pension Fixation Authority shall inquire into emoluments of only last 10 months prior to retirement and for that examine the records of only two years prior thereto i.e. only the records of 34 months would be examined for the purpose of grant of pension, as has been provided in the aforesaid Government order dated 13.12.1977.

[2]. Pension Allowing Authority shall not be entitled to correct the mistake in determining the pay during service tenure beyond the period prescribed in para (1) above. Mistakes in pay determination of an employee can be effectively removed through the process of general inquiry/audit only when the employee is still in service.”

6. It had been submitted by the learned counsel that the appellant had retired on 31st December, 2003 and somewhere in the month of March, 2005 it was revealed that a mistake had been committed while fixing pay of the appellant in 1986. It had been further submitted that by virtue of the aforestated G.O. dated 16th January, 2007, the mistake committed in pay fixation beyond period of 34 months prior to retirement of the appellant could not have been taken into account by the respondent employer and therefore, neither any recovery could have been sought by the respondents nor there could have been any reduction in the pension on the basis of reduction of salary.

7. Upon perusal of the aforestated G.O. and the submission made by the learned counsel appearing for the appellant, it is not in dispute that the appellant had retired on 31st December, 2003 and at the time of his retirement his salary was Rs.11,625/- and on the basis of the said salary his pension had been fixed as Rs.9000/-. Admittedly, if any

mistake had been committed in pay fixation, the mistake had been committed in 1986, i.e. much prior to the retirement of the appellant and therefore, by virtue of the aforesaid G.O. dated 16th January, 2007, neither any salary paid by mistake to the appellant could have been recovered nor pension of the appellant could have been reduced.

8. The learned counsel appearing for the respondent employer could not deny any of the facts stated herein above.

9. In the aforesaid circumstances, the High Court was not correct while permitting the respondent authorities to reduce the pension payable to the appellant by not setting aside the order whereby excess amount of salary paid to the appellant was sought to be recovered.

10. For the aforesaid reasons, we quash the impugned judgment delivered by the High Court and direct the respondents not to recover any amount of salary which had been paid to the appellant in pursuance of some mistake committed in pay fixation in 1986. The amount of pension shall also not be reduced and the appellant shall be paid pension as fixed earlier at the time of his retirement. It is pertinent to note that the Government had framed such a policy under its G.O. dated 16th January, 2007 and therefore, the respondent authorities could not have taken a different view in the matter of re-fixing pension of the appellant.

11. The submission made on behalf of the learned counsel appearing for the respondent that the appellant would be getting more amount than what he was entitled to cannot be accepted in view of the policy laid down by the Government in G.O. dated 16th January, 2007. If the Government feels that mistakes are committed very often, it would be open to the Government to change its policy but as far as the G.O. dated 16th January, 2007 is in force, the respondent-employer could not have passed any order for recovery of the excess salary paid to the appellant or for reducing pension of the appellant.

12. For the reasons recorded herein above, we quash and set aside the impugned judgment as well as the order dated 23.03.2005 whereby salary of the appellant was re-fixed and order dated 23.04.2005 whereby recovery of excess amount of Rs.99,522/- was ordered to be recovered from the appellant. The appellant shall be paid pension which had been determined at the time of his retirement, i.e. immediately after 31st December, 2003. The appeal is disposed of as allowed with no order as to costs.

.....J.
(ANIL R. DAVE)

.....J.
(VIKRAMAJIT SEN)
New Delhi

April 17, 2014.”

6. In this case also the Hon'ble Apex Court had cancelled the re-fixation on the ground that “[1]. Pension Fixation Authority shall inquire into emoluments of only last 10 months prior to retirement and for that examine the records of only two years prior thereto i.e. only the records of 34 months would be examined for the purpose of grant of pension, as has been provided in the aforesaid Government order dated 13.12.1977.

[2]. Pension Allowing Authority shall not be entitled to correct the mistake in determining the pay during service tenure beyond the period prescribed in para (1) above. Mistakes in pay determination of an employee can be effectively removed through the process of general inquiry/audit only when the employee is still in service.”

7. We quote from Annexure-R-9.

“F.No.25012/54/1999-Silk
Government of India
Ministry of Textiles

Udyog Bhavan, New Delhi
January 24, 2007

To
Dr.H.Basker,
The Member Secretary,
Central Silk Board,
Bangalore

Sir,

Please refer to this office letter of even number dated 30th August, 2006 through which this Ministry had conveyed the approval of the Government of India for extension of Flexible Complementing Scheme (FCS) to the Scientists of the Central Silk Board at the level on Scientist-B (Rs. 8000-13500). Scientist-C (10000 – 15200) and Scientist-D (12000-16500).

2. It was also mentioned that the Scheme would be effective from the date of issue of the above mentioned letter and is subject to the Recruitment Rules being amended in accordance with the residency period and other conditions quoted in the DOP & T's guidelines dated 09.11.1998 read with O.M. Dated 21.11.2005 and the Scheme would be implemented strictly in conformity with the guidelines/conditions of the schemes conveyed by the DOP&T vide their communication No.2/41/97/PIC dated 09.11.98 read with DOP&T's O.M. No.

AB14017/31/2004-Estt. (RR) dated 21.11.2005. However, after a gap of 3 months, CSB had sent amendments of the Central Silk Board (Consolidated) Recruitment Rules 1989 for notification by the Ministry through their letter dated 20.12.06.

3. *You are, therefore, again directed to implement the FCS as per the conditions laid by this Ministry's letter dated 30.8.2006 by 15.2.2007 and intimate this Ministry of the action taken.*

4. *It is further clarified that since CSB is implementing FCS for its Scientific cadre for the first time the rules for promotion of Scientist B, C & D as approved by DOP&T under FCS need to be added in the existing CSB Recruitment Rules, 1989 and there is no need for amending the existing rules for officers other than the Scientific cadre.*

*Yours faithfully
Sd/-
(B.V.Uma Devi)
Director”*

This indicates that at the time when an approval was given by Annexure-R-9 in January 24, 2007 the promotion for Scientists from D to E was also within the competence of the concerned officials. Therefore, there is no meaning in the contention now raised by the respondents.

8. *Across the Bar Shri S.Sugumaran, learned counsel produces a letter No. 25012/54/1999-Silk dated 30.8.2006 which we quote:-*

*“F.No.25012/54/1999-Silk
Government of India
Ministry of Textiles*

*Udyog Bhavan, New Delhi
Date: 30th August, 2006*

*To
The Member Secretary,
Central Silk Board,
Bangalore
(Karnataka).*

*Subject: Introduction of Flexible Complementing Scheme in
Central Silk Board- reg.*

Sir,

I am directed to convey the approval of the Government of India for extension of Flexible Complementing Scheme (FCS) to the Scientists of the Central Silk Board at the level on Scientist-B (Rs. 8000-13500). Scientist-C (10000 – 15200) and Scientist-D (12000-16500).

2. The Scheme would be effective from the date of issue of this letter and is subject to the recruitment rules being amended in accordance with the residency period and other conditions quoted in the DOP & T's guidelines dated 09.11.1998 read with O.M. Dated 21.11.2005.

3. The Scheme would be implemented strictly in conformity with the guidelines/conditions of the scheme conveyed by the DOP&T vide their communication No.2/41/97/PIC dated 09.11.98 read with DOP&T's O.M. No. AB-14017/31/2004-Estt. (RR) dated 21.11.2005.

4. The expenditure involved in the implementation of the scheme will be met by the Central Silk Board out of their approved budget and no additional funds will be provided for the purpose.

5. This issues with the approval of the DOP&T and Department of Expenditure as conveyed vide their ID Note No. MP-14017/7/2004-Estt (RR) dated 26.04.2006 and No.7(36)/E-III dated 31.07.2006 respectively. This also has the approval of the Ministry's IFW as communicated vide Dy.No.18240, dated 25.08.2006.

Yours faithfully

Sd/-

(B.V.Uma Devi)
Director"

This was issued with the approval of the DoPT at the level of Scientists B against it says that it conveys the approval of the Government of India for extension of Flexible Complementary Scheme promotion to Scientists in Central Silk Board at the level of Scientist B, Scientist C, Scientist D . This can only mean one thing; a Scientist B can aspire to be Scientist C and Scientist C can aspire to be Scientist D and Scientist D can aspire to Scientist E, for which approval has already been granted. Therefore, there is no meaning in the present contention of the Ministry.

9. At this point of time Shri S.Sugumaran, learned counsel submits that Annexure-R-11 may also be looked into where in line 5, the residency period for promotion from Scientist D to Scientist E was not given. As such the matter was examined in consultation with the Integrated Finance Wing of the Ministry and the Ministry vide their letter dated 30.8.2006 had approved the proposal for granting Flexible Complementing Scheme to CSB Scientists at the level of Scientist B to Scientist D i.e., granting the benefit of in-situ promotion till Scientist D level. Accordingly the benefit of in-situ promotion under FCS would have to be confined to the following scales. But then, there may be contradictory and conflicting views in side the Ministry. But the issue

raised is that if it has been a continuing process no amount of letters from the Ministry can improve the position of the rule. If the Flexible Complementing Scheme had been adopted for Scientists all over India then it has to be adopted in full, not piece meal by piece meal operation of the rule going by the size of the organization and this will defeat the purpose and purport of Article 14 & 16. Therefore, annexure-R-11 has only a limited application, as it is dated 11.8.2008 whereas the other letter which is quoted above is 30.8.2006. This sudden change of the Ministry is submerged in the Pension Rules as stated by the Hon'ble Apex Court in the case mentioned above. Therefore the attempt of the Ministry is illegal and unsustainable. There is no relevancy, no juncture and no legality in the contention raised by the Ministry and it is quite arbitrary and all impugned orders are hereby quashed. OA is allowed. No order as to costs."

2. Now, all the counsels raise a point. From which date should it be effective. We had held in an earlier case that the crucial date might be the date on which the right have arisen. But then the Hon'ble Apex Court have held in several cases and which has been brought to our notice thereafter that even if a person has a right, he sits over it and thus grants an opportunity for others to overtake him and grab a benefit which they may not have received at all, by invoking the rule of sit back, the Hon'ble Apex Court has held that the right cannot be held to be retrospectively obtainable. After having considered the matter in great detail, we are of the humble view that this is a correct view. The benefits to be made available to the applicants from the date of filing of the OA and not before that as only on that date he had registered a claim against the government. It will not have any retrospective effect.

3. At this point of time, the learned counsel for the applicants points out that in one of our earlier orders we had taken a view that from the date of arising of an opportunity such a right could be given. In some of the cases

we had taken such a view that during the interregnum there had been continuous litigation between parties and therefore we had to protect the right of the persons who had the right but in this case it is not so. At this point of time, the learned counsel for the applicants seeks an opportunity to clarify a point. He would say that following the Patna Bench decision the matter has gone up to the Hon'ble Apex Court and the Hon'ble Apex Court ruled in favour of 16 people that they may be eligible for the benefit from 2001 onwards. If such a benefit had been granted to the applicants herein also from 2001 already, then there is no difficulty in continuing but then one point raised by the applicants is noteworthy that there cannot be any stoppage at C, D or E. If they are eligible for further benefits under the scheme which is to be universally applied for all scientists, regardless of the size of the organization it has to be done. The respondents cannot extricate themselves from that responsibility. But all the consequential benefits for the scientists would emerge and have a genesis only in relation to the date on which they have approached the adjudicator based on views of the Hon'ble Apex Court expressed in hundreds of cases.

4. What is the responsibility of an adjudicator?

“Be aware of the consequences of your orders and directions.

The advice, that is normally given to a Judge is that he should not be concerned about or swayed by the consequences of his judgment, and decide the matter strictly in accordance with the facts and law. This principle is applicable only when a Judge is discharging

the pure and simple traditional judicial function of adjudicating a civil litigation between two private parties or conducting a criminal trial. It will not apply to public interest litigation, non-adversarial litigation and cases relating to administrative law, environmental law, industrial law and service law. Judges may not realise that their orders may cast an enormous financial burden on the State or the employer; or that as a consequence of their orders, a lower division clerk may be catapulted to a managerial position without the required experience or knowledge for the job; or that the implementation of the orders may lead to administrative chaos.

I remember a case where a government servant claimed that when he joined service 25 years ago, his pay was wrongly fixed in the pay scale of Rs.80-120 and that the pay ought to have been fixed in the next higher scale. The case was not was not effectively defended on behalf of the State. A Judge not very familiar with service law granted the seemingly innocuous relief, of refixation in the higher scale with all financial benefits, thinking that the relief granted would involve a few thousand rupees. When that writ petition was allowed, hundreds of persons claiming to be similarly placed, filed writ petitions seeking the same relief. All those petitions had to be allowed in view of the binding precedent. The resultant financial liability on the State exchequer ran into several crores. The judge later told me that if he had known the consequences, he might not have entertained the belated claim at all or at least would have examined it in more detail or moulded the relief

properly. I remember another case where a person employed on daily wages for a couple of months in 1980, filed a writ petition in 2003, claiming reinstatement and absorption. Though the Judge was not inclined to grant relief and wanted to dismiss it, the counsel persuaded him to dispose of the writ petition, with an observation to sympathetically consider any representation made by the petition in accordance with law. Once the order was made, it was followed by hundreds of cases claiming similar “disposals”. They were also disposed of with a similar observation. Either on account of wrong interpretation of those orders, or collusion between the officers and petitioners concerned, hundreds of persons were given backdoor entry into government service without facing competitive selection, flouting reservation policy, that too after a gap of 25 years. Let me hasten to clarify that in deserving cases, relief should not be denied even if it involves a financial burden or inconvenience. The problem arises only where unwarranted relief is granted on grounds of sympathy, without comprehending the consequences to gain the tag of “relief-oriented Judge”, opening the floodgates for undeserving claims resulting in administrative chaos and enormous financial burden on the States.”

Hon’ble Justice R.V. Raveendran”

5. Therefore, the cardinal issue in this is that at what time can be said that a right has arisen. A right can be said to have arisen only on the filing of a case. If at all retrospective consequences have been sought for, it must have relation to the prejudice that would have caused to him which had

been consequential in an inseparable form. That is not the case here. Maybe because some other people have realised a benefit it does not operate as a *judgment in rem* as singular distinctions and differences may even then arise. Therefore, as a principle what we can hold is only that there must be a universality of consideration for scientists in India as a whole, not depending upon the size of the organization. But other than that the arising of a vacancy, the nature of work and other issues involved in it will have a bearing in issue as otherwise it will be free for all. That is not the purpose of responsible adjudication.

6. Therefore, we hold that the right in this case have arisen only on the filing of the case and from that date onwards only the actual consequences of the order can visit the applicants in any case. A clarification as required is hereby issued.

7. At this point of time, the learned counsel for the applicants makes an issue that the question of residency in 2010-2012 has not been properly answered. Under the Administrative Tribunals Act, the Tribunal is empowered to answer only one issue in one case. Therefore, we will now proceed to grant liberty to the applicants to raise that point without fear of resjudicata if they want to raise it.

8. At this point of time, both counsels submit that following acceptance by the Textiles Ministry the benefits had been made available from 2006 onwards. Therefore, the order should be read that if such benefits had been

granted to the applicants from 2006 onwards, regardless of the date of filing of the OA, the benefit should have genesis from 2006 onwards.

9. The OA is therefore disposed off as above. No order as to costs.

(C.V. SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00814-01033/2018

- Annexure-A1: Copy of the DoPT OM dated 09.11.1998
- Annexure-A2: Copy of the communication from Ministry of Textiles to Ministry of Science & Technology for recognizing Central Silk Board as Scientific Organization for extending FCS to scientists
- Annexure-A3: Copy of the OM dated 25.01.2001
- Annexure-A4: Copy of the OM dated 30.07.2001
- Annexure-A5: Copy of the DoPT order for introduction of FSC in CSB
- Annexure-A6: Copy of the order dated 30.08.2006 issued by the Ministry of Textiles
- Annexure-A7: Copy of the circular dated 26.12.2006 by Central Silk Board
- Annexure-A8: Copy of the order dated 24.01.2007 from Ministry of Textiles
- Annexure-A9: Copy of the Central Silk Board letter dated 02.03.2007
- Annexure-A10: Copy of the circular dated 19.12.2007
- Annexure-A11: Copy of the Central Silk Board Circular that all scientists working in Central Silk Board have been brought under the fold of FCS w.e.f. 30.08.2006
- Annexure-A12: Copy of the order by Central Administrative Tribunal, Patna Bench directing Central Silk Board to implement FCS to all scientists of Central Silk Board w.e.f. 30.07.2001
- Annexure-A13: Copy of the DoPT OM dated 10.09.2010
- Annexure-A14: Copy of the FCS interview letter dated 09.12.2010
- Annexure-A15: Copy of the Central Silk Board letter dated 27.04.2011
- Annexure-A16: Copy of the order dated 29.04.2011 from the Ministry of Textiles
- Annexure-A17: Copy of the FSC interview letter dated 31.01.2012
- Annexure-A18: Copy of the order by Hon'ble Jharkhand High Court order dismissing the appeal filed by Central Silk Board.
- Annexure-A19: Copy of the DoPT OM dated 21.09.2012
- Annexure-A20: Copy of the DoPT note dated 26.11.2012
- Annexure-A21: Copy of the order by Hon'ble Supreme Court dismissing the Special Leave Petition filed by Central Silk Board.
- Annexure-A22: Copy of the order dated 08.05.2013 by Ministry of Textiles
- Annexure-A23: Copy of the circular issued by Central Silk Board on 27.09.2013
- Annexure-A24: Copy of the Recruitment Rules 2013
- Annexure-A25: Copy of the intimation issued by Central Silk Board on 15.01.2014 calling eligible scientists for FSC assessment interview
- Annexure-A26: Copy of the letter dated 31.01.2014 written by Central Silk Board to Ministry of Textiles
- Annexure-A27: Copy of the order dated 31.08.2016 by Hon'ble Central Administrative Tribunal, Bangalore Bench in OA No. 143-153/2014
- Annexure-A28: Copy of the order dated 31.08.2016 by Hon'ble Central Administrative Tribunal, Bangalore Bench in OA No. 154-215/2014
- Annexure-A29: Copy of the order dated 31.08.2016 by Hon'ble Central Administrative Tribunal, Bangalore Bench in OA No. 321-324/2014
- Annexure-A30: Copy of the order dated 31.08.2016 by Hon'ble Central Administrative Tribunal, Bangalore Bench in OA No. 335-338/2014

Annexure-A31: Copy of the order dated 31.08.2016 by Hon'ble Central Administrative Tribunal, Bangalore Bench in OA No. 339-344/2014
 Annexure-A32: Copy of the order issued by Central Silk Board dated 15.12.2016 issued in compliance of Central Administrative Tribunal orders.
 Annexure-A33: Copy of the representation dated 16.01.2017 requesting to review the order.

Annexures referred in reply statement

Annexure-R1: Copy of the order in WP No. 54937-5503/2017 of Hon'ble High Court of Karnataka
 Annexure-R2: Copy of the order in WP No. 5089/2018
 Annexure-R3: Copy of the Notification dated 09.11.1998
 Annexure-R4: Copy of the letter dated 24.10.2001
 Annexure-R5: Copy of the Central Silk Board letter dated 11.04.2005
 Annexure-R6: Copy of the letter dated 30.08.2006
 Annexure-R7: Copy of the Central Silk Board circular dated 26.12.2006
 Annexure-R8: Copy of the letter dated 27.07.2018
 Annexure-R9: Copy of the Central Silk Board order dated 14.08.2018
 Annexure-R10: Copy of the Office Memorandum dated 17.07.2002
 Annexure-R11: Copy of the order dated 07.01.2010
 Annexure-R12: Copy of the order dated 12.01.2011
 Annexure-R13: Copy of the order dated 13.01.2011
 Annexure-R14: Copy of the order dated 09.03.2009
 Annexure-R15: Copy of the order dated 06.12.2012
 Annexure-R16: Copy of the order dated 13.05.2013

Annexures referred in rejoinder

Annexure-AA1: Copy of the decision of Ministry of Textiles dated 03.12.2018
 Annexure-AA2: Copy of the Central Silk Board Recruitment Rules, 1989
 Annexure-AA3: Copy of the promotion orders by Central Silk Board dated 18.02.2014
 Annexure-AA4: Copy of the Central Silk Board letter dated 17.08.2012
 Annexure-AA5: Copy of the Central Silk Board letter dated 30.11.2006
 Annexure-AA6: Copy of the Hon'ble Central Administrative Tribunal, Odisha order dated 06.08.2015
 Annexure-AA7: Copy of the Central Silk Board letter dated 11.04.2005
 Annexure-AA8: Copy of the advertisements released by Central Silk Board for filling the posts of Scientists – B,C, D from January 2007 to 2010
 Annexure-AA9: Copy of the letter from Ministry of Textiles to Central Silk Board dated 18.01.2012
 Annexure-AA10: Copy of the order from Central Silk Board dated 31.12.2007
 Annexure-AA11: Copy of the order from Central Silk Board dated 28.04.2007
 Annexure-AA12: Copy of the order from Central Silk Board dated 28.04.2007

Annexure-AA13: Copy of the CSIR recruitment And Assessment Promotion Rules - 2001

Annexure-AA14: Copy of the order from Central Silk Board dated 28.02.2007 and 09.07.2009

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