

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 2700 of 1993

New Delhi, this the 19th day of July, 1999

Hon'ble Mr. Justice K.M. Agarwal, Chairman
Hon'ble Mr. N. Sahu, Member (Admnv)

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Shri H.S. Nanda, Deputy Commissioner
(SC&IC) Department of Agri. & Coopn.
r/o 18/2, D.S. Prem Nagar, Jail Road,
New Delhi-58

- APPLICANT

(By Advocate None)

Versus

1. Union of India through its
Secretary, Ministry of Agriculture,
Department of Agri. & Coopn. Krish
Bhavan, New Delhi-110001.

2. The Secretary (A&C), Government of
India, Department of Agri. & Coopn.
Krish Bhavan, New Delhi-110001 -RESPONDENTS

(By Advocate None)

O R D E R

By Mr. N. Sahu, Member (Admnv)

The prayer in this OA is for a direction to the respondents to implement the Flexible Complementing Scheme (in short 'FC Scheme') and retire the applicant only by 31.1.1996 on attainment of 60 years of age.


2. The FC Scheme was applicable to Scientists in ICAR, CSIR and the Department of Science & Technology. It is an integrated scheme containing provisions relating to promotion, higher scale of pay and retirement at the age of 60 years. The applicant prays for applying the scheme to him either with effect from 1983 or from 27.8.1991.




3. After notice, the respondents state that the OA is barred by time. The move for implementing the scheme came on 22.11.1983. The applicant was working as an Assistant Commissioner. He could have agitated at that time. That apart this scheme is applicable only to able and merited scientists who single mindedly are devoted to scientific research and this scheme is not applicable to posts which are essentially supervisory and administrative in nature. The nature of duties assigned to the applicant has been explained at length and we are satisfied that there is no discrimination in not applying the benefits of the scheme to the applicant because he belongs to general Central Civil Service Group 'A'. The retirement age for this category of officers was 58 years and accordingly the applicant was made to retire at 58 years with effect from 31.1.1994.

4. There can be no parallel between the Scientists in ICAR and the applicant whose job is administrative. Besides the fact that the OA is barred by limitation as it is not filed within the time permitted by the statute, there is absolutely no merit in this OA.

5. In the result, the OA is dismissed. No costs.


(K.M. Agarwal)
Chairman


(N. Sahu)
Member (Admnv)