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**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
(THROUGH VIDEO CONFERENCING)**

Original Application No. 332/00048/2021

Date of Order: This, the 11th Day of February, 2021

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER
THE HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER**

Dr. (Smt.) Arun Bala Sharma
W/o Dr. Dev Datta Sharma
R/o C-1, Krishi Vigyan Kendra Campus
Opp. KNIT, Sultanpur, PIN: 226 118.

..... Applicant



- Versus -

1. Union of India, Ministry of Agriculture
Department of Agriculture Research & Education,
through its Secretary,
2. Indian Council of Agricultural Research (ICAR)
Krishi Anusandhan Bhawan, Pusa, New Delhi
Through its Deputy Director General
(Agriculture Extension) PIN: 110 012.
3. Agricultural Technology Application Research Institute
(ATARI), Kanpur, U.P., through its Director.
4. Senior Scientist/Head, ICAR, Kamla Nehru Krishi Vigyan
Kendra, Sultanpur.
5. Kamla Nehru Memorial Trust (KNMT), Sultanpur
Through its Secretary, ICAR, KVK, Sultanpur.

..... Respondents.

For the Applicant:

Sri D. N. Tripathi

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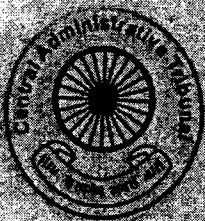
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For the Respondents: Sri Deepak Shukla 2 to 5 & Smt.
Neelam Trivedi-1

ORDER (ORAL)

MANJULA DAS, MEMBER (J)

This matter has been taken up for consideration through video conferencing.



2. In this OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant is seeking the following relief(s):-

- "a" to quash the orders impugned dated 30.09.2020 & 28.08.2020 passed by the respondents no.5 & 4 respectively as contained in Annexure No.A-1 & A-2 to the O.A. with all consequential benefit.
- "b" to direct the respondents to permit the applicant to work on the post of Training Associate/Scientist Kamla Nehru Krishi Vigyan Kendra, Sultanpur till her attaining age of 62 years i.e. 21.09.2022.
- (iii) to direct the respondents to pay the salary to the applicant for the post of Training Associate/Scientist w.e.f. 01.10.2020 till her age of superannuation i.e. 21.09.2022.
- (iv) any other order which this Hon'ble Tribunal deems just and proper under the

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circumstances of the case be also passed."

3. The facts in brief are that applicant was initially appointed as Training Assistant (Home Science) on 02.12.21985 at Kamala Nehru Krishi Vigyan Kendra, Sultanpur, U.P.. She was promoted as Training Associate w.e.f. 13.02.1987. The post of Training Associate was subsequently re-designated as Subject Matter Specialist. Vide order dated 28.08.2020, applicant was directed to hand over all charges to Smt. Neena Saxena, (Programme Assistant- Home Science) and to take no dues certificates from all units during the month of September as she was going to retire in the month of September, 2020. Applicant submitted representation dated 29.08.2020 followed by reminder on 04.09.2020 against the above impugned order dated 28.09.2020 but to no avail. Applicant preferred WP(C) 16471 (S/S) of 2020 before the Hon'ble High Court which was dismissed on the ground of statutory alternative remedy. Thereafter her application No. C.M.A No.59910/2020 for recall of the



order was also dismissed by the Hon'ble High Court vide order dated 03.12.2020; hence this OA.

4. Learned counsel for the applicant submitted that as per ICAR Rules, the age of superannuation is 62 years and as the applicant was an employee of Kamala Nehru Krishi Vigyan Kendra, (KNKVK), Sultanpur which was functioning under ICAR and was fully funded by the Govt. of India, she ought to have been allowed to retire on attaining the age of 62 years as was the practice in ICAR's own institutions.



5. On the other hand, learned counsel for the respondents submitted that the Kamla Nehru Memorial Trust which owns and runs KNKVK is not notified under Rule 14 of the A.T Act, 1985 and therefore, this Tribunal has no jurisdiction to entertain this matter. It was also argued that even if this Tribunal had jurisdiction, the applicant had already retired from service on 30.09.2020 and had agitated this matter in the courts after her retirement. As more than five months time had already passed since

then, therefore, no relief may be granted as the OA had been rendered infructuous by the applicant's own delay.

6. We have heard both sides and perused the available record. Admittedly, the retirement age of ICAR Scientists is 62 years, but in the instant case, by her own admission, the now retired applicant was serving as a Subject Matter Specialist in KVK, undisputedly an NGO KVK, and not under ICAR, nor as a scientist.

7. In view of the above, we do not find any merit in the OA and accordingly, the same is dismissed.



MEMBER (A)

MEMBER (J)

/BB/