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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Dated: 16.12.94

Original Application No: 1753 of 1994

Dr. Sunil Kumar Srivastava
S/O Shri O.P. Srivastava
R/O 30/27-B, Karanpur, Prayag, Allahabad

..... Applicant.

By Advocate Shri Satish Dwvedi
Shri Anil Dwvedi

Verses


The Union of India & Ors.

..... Respondents.

By Advocate Shri ---

O R D E R

By Hon'ble Mr. T.L. Verma, Member-J



The applicant was awarded Research Associateship. According to the terms of the award, he was to receive Rs. 1400/- per month as stipend under the N.I.H. scheme tenable at the Central Drug Research Institute, Lucknow for a period of one year or the duration of the scheme whichever is earlier in the first instance vide order dated 17.12.1986 (Annexure A-1). On the applicants' accepting the terms and conditions communicated to him vide Annexure A-1, he joined the post of Research Associate in the NIH Scheme w.e.f. the Forenoon of 3rd March, 1986. On the expiry of tenure of N.I.H. Scheme on 31.7.1988, the

A2
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service of the applicant was terminated on the said date. Thereafter, by Office Memorandum dated 9.9.1988, the tenure of the applicant was extended for a further period of one year w.e.f. 1.8.1988. The Government of India, Ministry of Science & Technology by Office Memorandum dated May 26, 1988 revised the rate of stipend in the manner given in the Office Memorandum (Annexure A-5).

2. The applicant resigned from the Research Associateship w.e.f. 17.7.1989 for joining the post of Botanist in Botanical Survey of India.

3. The grievance of the applicant is that despite repeated representations, the respondents have failed to make payment of the difference of the stipend money which he was eligible to receive after the revision of the rate of stipend. He has therefore, filed this application for a direction to the respondents to pay arrears of stipend/emoluments as per revised rate in accordance with Office Memorandum dated 26.5.1988 and 5.7.1988 for the period from 1.4.1987 to 13.7.1989 with interest @ 24% per annum till the date of payment.

4. The Central Administrative Tribunal has jurisdiction, Power and Authority in relation to all matters concerning:-

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- (i) a member of any All India Service; or
- (ii) a person (not being a member of an All-India Service or a person referred to in Clause 'C') appointed to any civil service of Union or any civil post under the Union; or
- (iii) a civilian not being a member of an All-India Service or a person referred to in clause (C) appointed to any defence services or a -post connected with defence,

and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation (or Society) owned or controlled by the Government;

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- (c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in Sub-Clause (ii) or sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation (or society) or other body, at the disposal of the Central Government for such appointment.

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The applicant can invoke the provisions of the Administrative Tribunal's Act for filing this application only if he holds a civil post. The learned counsel for the applicant has brought to my notice the brochure concerning CSIR Research Grants, Research Fellowships & Associateships. From the perusal of the brochure, it appears that certain number of Research Associateships will be awarded each year directly by CSIR to encourage young Research workers who have shown promise in original Research and propose to pursue Research work in Science Engineering or Technology on specific jobs. The Research Associateships are tenable in Indian Universities/IITs/Colleges/ Government Research Establishments and those on recognised Public or Private Sector, Industrial Firms and other Institutes approved by the CSIR. They are ~~not~~ entitled to stipend ranging from Rs. 2800/- to 5000/- per month. The Associateship will be tenable initially for a period of 2 years not exceeding 3 years. The nature of appointment of the applicant as Research Associateship as indicated in the brochure referred to by the applicants leaves no room for doubt that the Research Associates do not hold civil post. In that view of the matter, the Central Administrative Tribunal is not the proper forum for redressal of their grievances. That being so, this Tribunal has no jurisdiction to entertain this application and the same is dismissed as not maintainable at the admission stage itself.


Member-J

/jw/