

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD

( THIS THE 26<sup>th</sup> DAY OF MAY, 2009 )

PRESENT :

**HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J**  
**HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A**

**ORIGINAL APPLICATION NO. 22 OF 2002**  
( U/s, 19 Administrative Tribunal Act.1985 )

M.P. Juyal, Son of Late Shri J.P. Juyal,  
Resident of CSWERTI,  
Residential Colony Kolagarh Road,  
District Dehra Dun,  
Presently Working as Draftsman  
in the Central Soil and Water Conservation  
Research and Training Institute  
218, Kolagarh Road, Dehradun (Uttranchal).

.....Applicant

By Advocate : Shri A.K. Mishra  
Shri P. Srivastava  
Shri Rakesh Pandey

Versus

1. Union of India, through the Secretary, Agriculture, New Delhi.
2. Indian Council of Agriculture Research through its Secretary, Krishi Bhawan, New Delhi.
3. Director General, Indian Council of Agriculture Research, Krishi Bhawan, New Delhi.
4. Director, Central Soil and Water Conservation Research, Krishi Training Institute, 218 Kolagarh Road, Dehradun (Uttranchal).
5. Sr. Administrative Officer, Central Soil and Water Conservation, Research and Training Institute, 218 Kolagarh Road, Dehradun (Uttranchal).

..... Respondents

By Advocate : Shri B.B. Sirohi

**ORDER**

(DELIVERED BY: JUSTICE A. K. YOG- MEMBER-JUDICIAL)

1. There are three counsel but none are present. Case being called repeatedly and after waiting for considerable time none present on behalf of the respondents even though this case is listed in supplementary list being a date fixed (vide Bench order dated 27.04.2009) even though this OA was presented in the Registry on 31.05.2002 and the order sheet runs into 29 sheets, OA has not been admitted. On the other hand parties have exchanged pleadings. OA shall be deemed to have been admitted or otherwise decided finally at admission stage today. Court Officer informs that there is no illness slip or mention on behalf of any counsel appearing on behalf of all the parties. Perusal of order sheet shows that case has been adjourned for about more than six years on account of sad demise of one or the other, illness slip of the counsel, lawyers strike and so on and so forth.

2. There seems to be no good reason or justification for adjourning the case today because of absence showing good cause/reason today. Applicant is an employee of Central Soil and Water Conservation Research and Training Institute, Dehradun (called-Institute) under Indian Council of Agriculture Research (ICAR), New Delhi/Ministry of Agriculture, Union of India. At relevant time applicant has been working as Draughtsman in the Institute. He claims promotion to the next higher post of Tracer as per Technical Service Rules framed by the counsel. It may be noted that post of Tracer carries three different grades; viz.T-1 (32-3900), T-2 (4000-6000) and T-3 (4500-7000). The applicant appears to have been aggrieved that he has not been properly fixed

on the post of Draughtsman. He filed representation dated 26.08.1996 which was decided by Administrative Officer vide order dated 18.11.1996-Annexure-13/compilation-I. By means of which it was held that service of the applicant is under Technical Service Rules as per condition 11 of 'Offer of Appointment' and thereby rejecting recall of the applicant to grant pay scale of Rs.1200-2040 against post T-1 (Draughtsman) from the date of appointment against the post of T-1. Not being satisfied, applicant preferred appeal to Director General ICAR and thereafter applicant filed OA no. 920/97, Another person/Deepak also filed 927/97. Tribunal directed to decide the appeal. The said appeal appears to have been dismissed. The applicant contends that said appeal has been rejected vide order dated 21.01.2002-Annexure XVI/compilation-I.

For convenience said order is reproduced:-

*"With reference to his request dated 4.1.2002 on the subject cited Sh. M.P. Juyal, T-II-3 (D'man) is informed that his representation has been sent to the Council as per decision in the Hon'ble CAT judgment. The same has been considered/examined by the Council. As per their decision the post(s) of D'man were advertised as T-1 (D'Man) in the grade of Rs.975-1540 and offer issued to him on the same grade which he accepted before joining the post, therefore, he can't claim higher scale subsequently. His representation has therefore, been rejected by the Competent Authority.*

*This issues with the approval of the Acting Director."*

*(Underlined to lay emphasis)*

3. Perusal of the impugned order shows that "*post(s) of D'man were advertised as T-1 (D'Man) in the grade of Rs.975-1540 and offer issued to him on the same grade which he accepted before joining the post, therefore, he can't claim higher scale subsequently.*" In view of it, it is not open to the Applicant to dispute/object to the same or resile for his earlier stand.

4. We find no 'ground' to interfere with the impugned order.

5. OA has no merit, it is accordingly, dismissed with no order as to costs.

6. Copy of this order shall be sent by the Registry by Speed Post AD to the applicant for information within three weeks from today.

*W. J. Yamam*  
Member-A

*A. K. T. S.*  
Member-J

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