

Reserved.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.
....

original Application No. 283 of 2002.

this the 4th day of April 2002.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)
HON'BLE MR. C.S. CHADHA, MEMBER (A)

Dr. Awadhesh Kishore, S/o Sri Ramji Lal Sharma, Research Associate, R.B.S. College, Bichpuri, Agra, R/o Awadhpuri, Alvatia Road, Shahganj, Agra.

Applicant.

By Advocate : R.C. Katara.

Versus.

1. Council of Scientific & Industrial Research, Complex NPL Campus, Pusa, New Delhi through its Director General.
2. principal, Raja Balwant Singh College, Agra.
3. Dr. D.K. Agrawal, Principal, Raja Balwant Singh College, Agra.
4. Dr. Prakash Chandra, Head of the Department, A.H. & Dairying, Raja Balwant Singh College, Bichpuri, Agra.

Respondents.

By Advocate : Sri N.P. Singh.

O R D E R

RAFIQ UDDIN, MEMBER (J)

The applicant has filed this O.A. seeking directions to the respondents to pay salary/stipend/contingency HRA etc w.e.f. 1.10.2000 onwards and also to pay compensation for his harassment, humiliation, victimisation, withholding of the utilisation certificate, statement of accounts etc. and thereby jeopardising the research work of the applicant and causing mental tension to the family of the applicant.

2. According to the applicant, Raja Balwant Singh College,

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Agra (in short College) imparts education to the students and provides the research facilities to the Research Associates (in short RA) awarded by the Council of Scientific & Industrial Research New Delhi (in short CSIR). The applicant was selected and awarded RA ship on stipend of Rs. 3000/- per month vide letter dated 4.9.97 of the CSIR and the applicant was directed to report for duty before the principal of the College, a copy of which has been annexed as Annexure no. 1 to this O.A. The applicant was reported for duty before the principal of the College on 25.9.97 and was permitted to work under supervision of Dr. P. Chandra vide letter dated 6.10.97 (Annexure no.2 to this O.A.)

3. It is further stated that in spite of having performed his duty as R.A. with honesty and diligently to the entire satisfaction of his superiors, the applicant was forced to transfer his research work/project from the college to G.B. Pant Institute, Pant Nagar with a view to harass and victimise the applicant by Dr. D.K. Agrawal. It is also claimed that Dr. D.K. Agrawal withheld the progress report of the applicant, which was submitted before him in the prescribed proforma alongwith the statement of expenditure etc. It is also alleged by the applicant that the Principal of the College has illegally withheld his salary/stipend/contingency w.e.f. 1.10.2000 onwards.

4. We have heard the learned counsel for the parties and have perused the pleadings on record.

5. The learned counsel for the respondents has raised a preliminary objection that in view of the facts disclosed in the O.A., this Tribunal has got no jurisdiction to grant the relief claimed by the applicant. Hence, this O.A. is not maintainable before this Tribunal.

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6. The learned counsel for the applicant has brought to our notice the terms and conditions of the CSIR Research Fellowships & Associateships published by the CSIR, New Delhi. The relevant paras of the aforesaid terms & conditions are as under :-

- "1. CSIR Research Fellowships and Associateships provide opportunities to bright young men and women for training in methods of research under the expert guidance of faculty members/scientists working in University Departments/National Laboratories and Institutes (Annexure-VIII) in various fields of Science & Technology including Agriculture and Medical Science.
2. The CSIR Fellowships/Associateships are tenable in Universities/IITs/post-Graduate College/Government Research Establishments including those of CSIR 'R&D Establishments of recognized public or private sector, industrial firms and other recognised institutions. However, CSIR reserves the right to determine the place best suited to provide necessary facilities in the area of science and engineering in which the awardee is to specialise.
3. The CSIR Fellowships/Associateships are tenable in India. Only bonafide Indian Citizens, normally residing in India are eligible for the award of Research Fellowships/Associateships.
4. The award of CSIR Fellowship/Associateship does not imply any assurance or guarantee for subsequent employment by CSIR to the beneficiary. The authority to award/terminate vests with CSIR. The awardee shall not lay claim to permanent absorption in CSIR, after the expiry of the Fellowship/Associateship."

7. It may be stated that Section 14 of the A.T. Act 1985 provides that the Central Administrative Tribunal shall exercise all the jurisdiction, powers and authority in relation to service matters ^{interalia,} concerning and pertaining to service of such member, person or civilian in connection with the affairs of the Union or any State or of any local or other authority under the control of the Govt. of India or any corporation ^{or Society R} owned or controlled by the Government. ^R There is no dispute that the Central Govt. by notification issued under Section 14(2) of the Act has provided that the aforesaid provisions are also applicable in respect of CSIR.

Now the question remains what is the status of the applicant ^{R NABARVIS} ~~in service of~~ the CSIR? In other words, whether the applicant is in the service in connection with the affairs of the

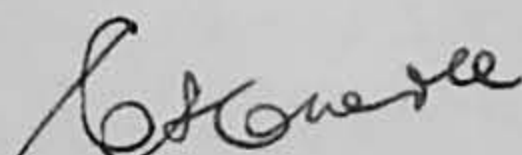
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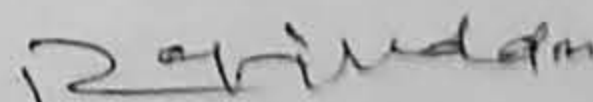
CSIR.

8. It is clear from the perusal of the provisions of the CSIR Research Grants, quoted above, that the applicant has merely been awarded CSIR R.A. ship for his training in methods of research under the expert guidance of faculty members of the college. The applicant, therefore, cannot be treated in the service of the CSIR being only scholarship holder for research work.

9. We are, therefore, of the considered opinion that the present O.A. is not maintainable before this Tribunal because the relief sought by the applicant does not fall within the jurisdiction of this Tribunal.

10. For the reasons stated above, we dismiss this O.A. as not maintainable before this Tribunal and direct the office to return the petition to the applicant for filing the same before the appropriate judicial forum. No costs.


MEMBER (A)


MEMBER (J)

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