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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.163 OF 2002
Cuttack, this the **4th** day of **Feb.** 2003

Dr. D.K. Chatterjee Applicant
Union of India & Others Vrs. Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not ? *M*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal *M* or not ?

Mohanty
04/02/2003
(M.R. MOHANTY)
MEMBER (JUDICIAL)

Linole
(B.N. SQM)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.163 OF 2002

Cuttack, this the 4th day of Feb, 2003

CORAM:

**HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN
&
HON'BLE SHRI M.R. MOHANTY, MEMBER (JUDICIAL)**

Shri D.K. Chatterjee, aged about 65 years, Son of Late Surendranath Chatterjee, a permanent resident of Sekhabazar, Cuttack-8, Retired as Senior Scientist, Central Institute of Fresh Water Aquacultural, Kausalyaganga, Bhubaneswar, District- Khurda.Applicant

By the Advocates -

In Person

Vrs.

1. Union of India, represented through its Secretary to Govt. of India, Ministry of Agriculture, New Delhi -1.
2. Secretary, Indian Council of Agricultural Research, Krishi Bhawan, New Delhi
3. Secretary, Agricultural Scientists Recruitment Board, Pusa, New Delhi-12.
4. Director, Central Institute of Fresh Water Aquacultural, Kausalyagang, Bhubaneswar-2

.....**Respondents**

By the Advocates -

* Mr. S. B. Bose, --

* Acting Standing Counsel

*Mr.A.K.Bose, Sr.C.G.S.C.

*** Corrected.

Abha
V.C.

ORDER

SHRI B.N. SOM, VICE-CHAIRMAN:

In this Original Application, Shri D.K. Chatterjee, the applicant has prayed for direction to be issued to the Respondent to declare the result of the interview of the petitioner

held on 10.04.2001 and also to pay him TA/DA as per the call letter (Annexure-4) within a stipulated period. The Applicant has pursued the application in the Court in person.

2. The facts of the case are that the applicant who was Senior Scientist in Central Institute of Fresh Water and Aquacultural was called upon to fill up the form for consideration of his case for Career Advance Scheme for Agricultural Scientists, and was invited to appear before the Agricultural Scientist Recruitment Board at Krishi Anusandhan Bhavan, Pusa, New Delhi on 10.04.2001. The Applicant complied with both the directions. However, he was not apprised of the outcome of the interview nor was he given any career advancement although other persons who had appeared in the said interview had got the benefit of career advancement to the post of Principal Scientist. As he failed to obtain any official confirmation about the result of his interview from the respondents in spite of his representation dt.15.10.2001 (Annexure-5 and two telegrams (dates not legible) (Annexure-5), he has approached the Tribunal for redressal of his grievances.

3. The Respondents in their counter have un-equivocally admitted that the applicant was called for interview before the Recruitment Board by mistake. That the applicant had superannuated on 31.09.1997 was not taken into account at the time of sending call letter for assessment of the candidate for their career advancement. They have also stated that the applicant had also not disclosed about his superannuation on 10.04.2001 when he appeared in the interview. As the applicant had retired from service w.e.f. 30.09.1997 and the scheme for career advancement was effected from 27.07.1998 the applicant could not be considered for any benefit under this Scheme.

4. From the facts and circumstances of the case it is clear that interview call sent to the applicant was the result of mistaken identity and was an administrative lapse on the part of the Respondents. As the applicant had retired before the implementation of the

Career Advancement Scheme he cannot get any benefit of that Scheme. However, as he was called upon for interview by the Respondents vide their letter at Annexure-4, it is unfair to deny TA/DA to him to cover the expenses incurred by him for his journey from Cuttack to New Delhi & back and his cost of his stay in New Delhi. In the circumstances the second prayer of the applicant succeeds and we accordingly direct the Respondents to process the TA/DA bill submitted by the applicant to the Respondents' Office and to pay him the amount due and admissible as on today to a serving Scientist of the grade in which he worked ^{at} the time of his superannuation within a period of 30 days from the date of receipt of this order. We pass no orders on cost.

M. Mohanty
04/02/2003

(M. R. MOHANTY)
MEMBER (JUDICIAL)

B. N. Som
(B. N. SOM)
VICE-CHAIRMAN