

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.919 of 2005  
Cuttack, this the 27th day of April, 2009

Ajoy Mohan Datta .... Applicant  
Versus  
Union of India & Ors. .... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the CAT or not?

  
(JUSTICE K.THANKAPPAN)  
MEMBER (JUDICIAL)

  
(C.R.MOHAPATRA)  
MEMBER (ADMN.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

O.A.No.919 of 2005  
Cuttack, this the 27<sup>th</sup> day of April, 2009

C O R A M:

THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)

A N D

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

Shri Ajoy Mohan Datta, aged about 58 years son of Late Abani Mohan Datta at present working as Junior Radio Officer (J.R.O) Aviation Research Centre (ARC) Air Wing, At/Po: Charbatia Dist. Cuttack-754 028.

.....Applicant

Advocate for Applicant. :M/s. J.Sengupta, D.K.Panda, G.Sinha, A.Mishra.

-Vs-

1. Union of India represented through the Cabinet Secretary, Cabinet Secretariat, Bikner House Annexe, Sahajahan Road, New Delhi-110 011.
2. The Director General of Security, Cabinet Secretariat, East Block-V, R.K.Puram, New Delhi-110 066.
3. The Special Secretary, Aviation Research Centre (ARC), H.Q East Block-V, R.K.Puram, New Delhi-110066.
4. The Operational Manager, Air Wing, Aviation Research Centre, ARC Headquarter, New Delhi.
5. The Deputy Director (Admn.) Air Wing, Aviation Research Centre, ARC Headquarters, New Delhi.
6. The Deputy Director (Admn.) Aviation Research Centre (ARC), Charbatia, At/Po: Charbatia, District-Cuttack-754 028.
7. The Commaner, Air Wing, Aviation Research Centre (ARC), Charbatia, At/Po-Charbatia, District-Cuttack-754 028.
8. The Senior Medical Officer, Aviation Research Centre Hospital, At/Po. Charbatia, Dist. Cuttack.

....Respondents

Advocate for Respondents: Mr.Mr.U.B.Mohapatra

O R D E R

Per- MR.C.R.MOHAPATRA, MEMBER (A):-

Facts, in nut shell, not in dispute are that the Applicant was appointed as JRO on re-employment basis in the Aviation Research Centre at Charbatia with effect from 11.04.1995. The said

L

appointment of the Applicant was for a period of two years subject to satisfactory completion of the probation period. His probation period was cleared by the Cabinet Secretariat's order dated 20.08.1997 w.e.f. 11.04.1997 along with the approval to continue up to his attaining the age of superannuation. He being declared medically unfit to carry out the flying including cockpit duties required to be discharged by JRO, as per the Rules by the order of the competent authority was relieved on retirement vide office order under Annexure-A/19 dated 25.11.2005. He challenged the impugned order dated 25.11.2005 in OA No.428/2002. This Tribunal disposed of the aforesaid in order dated 23.1.2004. In compliance of the aforesaid order, the Respondents offered the applicant the post of JTO-II (Radio) in the scale of pay of Rs.5500-9000/- . By filing representation he objected to the said offer to the post of JTO II (Radio). The representation of applicant was rejected calling upon him to join in the post of JTO II (Radio) within fifteen days as is evident from the memorandum under Annexure-A/20 dated 21<sup>st</sup> November, 2005. The above decision of the Respondents has again been challenged by the Applicant in the present Original Application filed under section 19 of the A.T.Act, 1985.

2. By filing counter, the Respondents opposed the contentions of the applicant made in this OA. It has been stated that since applicant was declared medically unfit to carrying out the duties of JRO, in compliance of the orders of this Tribunal in earlier OA he was adjusted in the post of JTO-II. But instead of joining in the said post he approached this Tribunal. However, it has been submitted by

the Respondents that in compliance of the interim orders of this Tribunal the applicant has been allowed to continue in the post of JRO in ARC, Charibatia w.e.f. 13.12.2005. By filing various communications it has been brought to the notice of this Tribunal that the applicant has been provided with necessary pay protection of JRO w.e.f. 5.1.2006 and ultimately he has retired from service on attaining the age of superannuation w.e.f. 31.05.2007. It has also been brought to the notice of this Tribunal that after his retirement he has been sanctioned provisional pension in the grade of JTO II which will be adjusted against final pension. This was not controverted by the Learned Counsel for the Applicant during hearing.

3. In view of the above, we are of the opinion that there remains nothing further to be adjudicated in this OA. Accordingly, after having heard Learned Counsel for both sides, this OA is disposed of leaving the parties to bear their own costs.

Kappan  
(JUSTICE K. THANKAPPAN)  
MEMBER (JUDICIAL)

Chakraborty  
(C.R. MOHAPATRA)  
MEMBER (ADMN.)