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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 1003 of 2002
Cuttack, this the 08th day of July, 2004.

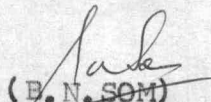
Prof. Premananda Das. Applicant.

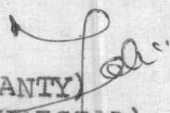
-Versus-

D.G., I.C.A.R. & Others. Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? No
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No


(B. N. SOM)
VICE-CHAIRMAN


(M. R. MOHANTY)
MEMBER (JUDICIAL)

08/07/04

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

O.A.No.1003/2002.

Present: The Hon'ble Mr. B. N. Som, Vice-Chairman
The Hon'ble Mr. M. R. Mohanty, Member(J)

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Prof. Premananda Das. Applicant.

-Vrs.-

Director General, ICAR
and others. Respondents.

For Applicant : Mr. M. R. Panda, Counsel.

For Respondents: Mr. S. B. Jena, counsel
and
Mr. K. C. Mohanty, Counsel.

Date of decision: 03rd July/2004..

O R D E R

MR. MANORANJAN MOHANTY, MEMBER(JUDICIAL);

Applicant Professor Premananda Das, who was originally in employment under Orissa University of Agriculture and Technology ('OUAT' in short) Bhubaneswar was deputed to erstwhile Science Technology and Environment Department of Govt. of Orissa as Senior Scientist(Ecology and Environment) and, while on deputation he was posted as Chief Executive of Regional Plant Resource Centre, Bhubaneswar(in short 'RPRC') ; where he was permanently

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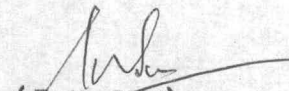
absorbed as such w.e.f. 05.06.1989, as per Government orders No.2236/F&E, dated 2.2.1999 under Annexure-R/5/1. At the time of his permanent absorption in the said RPRC, the terms and conditions were fixed including his age of retirement as given out under Annexure-R/5/2. In clause-2 of the Office Order (Annexure-R/5/2), the age of retirement applicable to Applicant was to be as in the case of Professors of Orissa University of Agriculture Technology. As has been given out under Annexure-R/5/3, the age of retirement of Professors of OUAT being 60 years, the Applicant was to face the retirement on attaining the age of 60 years. By filing the present Original Application under section 19 of the Administrative Tribunals Act, 1985, the Applicant has, virtually, asked for a direction to allow him to continue in service beyond 60 years/upto the age of 65 years.

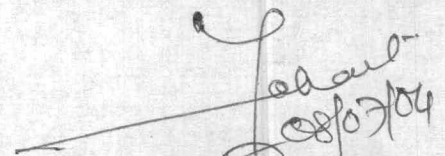
2. It reveals from the materials placed on record, in this case that the Applicant joined in the said RPRC on 5.6.85 on deputation from OUAT and was permanently absorbed there (RPRC) w.e.f. 5.6.89 vide O/O No.2236/F&E of Forest and Environment Department of Govt. of Orissa dated 2.2.1999, as the Chief Executive/ Director of RPRC.

3. Upon hearing learned counsel for both sides, and on perusal of materials placed on record, the irresistible conclusion is that since the Applicant is under the services of the State Govt. of Orissa, the

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present Original Application under section 19 of the Administrative Tribunals Act, 1985 is not maintainable in this Central Administrative Tribunals and, therefore, the reliefs claimed by the applicant in the present case is not at all available to be granted to him in the present proceeding and therefore, this O.A. is dismissed being not maintainable in this forum. No costs.


(B.N. SOM)
Vice-Chairman


(MANORANJAN MOHANTY)
Member (Judicial)