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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00459/2014

Cuttack this the 11th day of June, 2014

CORAM

HON'BLE SHRI R.C.MISRA, MEMBER(A)

Miss.Anupama Tripathy

D/o.late Satyabadi Tripathy

Aged about 58 years

At-Satyanivas, PO-Talamalisahi, PS-Kumbharpada

Town & Dist.Puri

At present working as Social Worker/HRRC (ICMR)Department of Obstetrics and
Gynaecology, SCB Medical College & Hospital

At/PO/PS-Mangalabag

Town & Dist-Cuttack

...Applicant

By the Advocate(s)- Ms.R.Sikdar

-VERSUS-

Union of India represented through the

1. Commissioner-cum-Secretary
Ministry of Health & Family Welfare,
Govt. of India
New Delhi
2. Director General,
Indian Council of Medical Research
V.Ramalinga Swamy Bhawan
Ansari Nagar
Post Box No.4911, New Delhi-110 029
3. The Director
National Institute for Research in Reproductive Health
Jehangir Merwanji Street, Parel
Mumbai-400 012
4. Honorary Director/Officer Incharge
HRRC (ICMR)
Department of Obstetrics & Gynaecology
SCB Medical College and Hospital
Cuttack-753 007

...Respondents

By the Advocate(s)-Mr.S.B.Jena



ORDER(Oral)**R.C.MISRA, MEMBER(A)**

Heard Ms.R.Sikdar, learned counsel for the applicant and Shri S.B.Jena, learned Standing Counsel, on whom a copy of this O.A. has been served, appearing for Respondents and perused the records.

2. Facts of the matter are that applicant was appointed as a Social Worker in the HRRC (ICMR) Department of Obstetrics and Gynaecology, SCB Medical College & Hospital, Cuttack. Appointment order at Annexure-A/1 dated 30.12.1986 shows that the scheme under which she was appointed was likely to continue for another year and that the post was purely temporary which could be ^{te}terminated at any point of time without any notice. However, applicant has continued to be working under the scheme since the date of her appointment. On 4.1.2014, she was informed by the Honourary Director, HRRC (ICMR) that on attaining the age of superannuation w.e.f. 31.7.2014 she will be relieved from her duties. It is mentioned in the order that this is as per her date of birth recorded in the Service Book whereas actually no date of birth has been mentioned. Applicant has challenged this order by stating that she is supposed to be working till the age of 60 years after which only she is to superannuate. In this regard she has enclosed certain clarification from the Indian Council of Medical Research obtained under the RTI Act, 2005. The said clarification does not throw any light regarding the point in so far as date of superannuation of the applicant is concerned. It is also not clear whether the applicant is the holder of any civil post in connection with the affairs of the Union. Even though applicant has claimed to have been continuing in service for a long period, in the absence of any specific rules and




instructions produced by the applicant, it is not possible for the Tribunal to come to the conclusion ^{about} the exact date of her superannuation. This apart, Section-21 of the A.T.Act, 1985, lays down that ordinarily the Tribunal shall not admit an application unless the applicant has availed of the departmental remedies available to him/her under the relevant service rules. It is not the case of the applicant that after receipt of notice of superannuation dated 4.1.2014, she has preferred any representation ventilating ^{the} her grievance before the competent authority. Therefore, the O.A. suffers from non-exhaustion of departmental remedies. In view of this, I am not inclined to admit this O.A. However, applicant is at liberty to make necessary representation to Respondent Nos. 2,3 and 4 within a week hence and in such eventuality, the said Respondents shall consider and dispose of the same in accordance with rules and communicate the decision thereon to the applicant as early as possible, preferably, before 31.7.2014.

Ordered accordingly.

3. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

4. As agreed to by learned counsel for both the sides, copy of this order along with paper book be sent to Res.Nos.2, 3 and 4 at the cost of the applicant for which Ms.Sikdar undertakes ^{to} file the postal requisites by 12.6.2014. Free copy of this order be made over to the learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)