

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.539/2002.

Tuesday this the 17th day of August 2004.

CORAM:

**HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER**

Dr.K.V.Joseph, S/o K.V.Varkey,
residing at Kochupurackal House,
Balachandran Road, Thiruvankulam,
Ernakulam District, retired Senior Scientist,
Central Plantation Crops Research
Institute (C.P.C.R.I.), Kasargod. Applicant

(By Advocate Shri T.K.Venugopalan)

Vs.

1. Union of India represented by
the Secretary to Government of India,
Ministry of Agriculture,
(Department of Agricultural Research
and Education), Krishi Bhavan,
New Delhi.
2. Indian Council of Agricultural Research,
represented by its Secretary,
Krishi Bhavan, New Delhi.
3. The Director, Central Plantation Crops
Research Institute, Kasaragod, Kerala,
Pin-671124.
4. The Secretary, Agricultural Scientists
Recruitment Board (ICAR),
Krishi Anusandhan Bhavan, Pusa,
N.Delhi-110012. Respondents

(By Advocate Mr.C.N.Radhakrishnan)

The application having been heard on 17.8.2004, the
Tribunal on the same day delivered the following:


O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant retired from the service of the Central
Plantation Crops Research Institute (CPCRI for short) on 1.5.1998
after serving as a Senior Scientist under the Indian Council of
Agricultural Research (ICAR for short). By a communication dated
19th July, 2000 of the ICAR the proposal for giving effect to the

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Career Advancement Scheme for the Scientists effective from 1.1.96, was forwarded. The Scientists were to submit their assessment. On the basis of Annexure A-2 the applicant was served with A-3 communication dated 10.9.2000 calling upon him to send proforma in seven copies along with the required documents as mentioned in the guidelines. In response to the said communication the applicant already submitted his proforma and details. While so, the date of effect to the Career Advancement Scheme was changed from 1.1.96 to 22.7.98 as communicated by the letter of ICAR dated 6.12.2000. However, a further communication dated 8.2.2001 calling upon the Scientists to present their proforma were issued and a copy was served on the applicant. The applicant responded stating that he had already submitted his details earlier. His claim for advance TA and DA for attending the interview was turned down on the ground of paucity of funds. The applicant appeared himself before the interview Board but was informed by the impugned order Annexure A-14 dated 29.6.2001 that his case has not been recommended for promotion. He was also given Annexure A-17 letter stating that he was not entitled to TA and DA in terms of the rules retired Scientists are not entitled to payment of TA/DA. His prayer for a Review of Assessment Promotion having been turned down by the Council by Annexure A-21 order dated 25.6.2002 on the ground that he was not eligible for the benefit of the scheme. Aggrieved by the impugned orders the applicant has filed this O.A. seeking to set aside the impugned orders A-14, A-17 and A-21 and for a direction to the 4th respondent to grant promotion to the applicant from the post of Senior Scientist to the post of Principal Scientist with effect from 1.1.1996 and to make available him the TA/DA and to direct

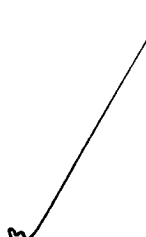


the 2nd respondent to consider and pass appropriate orders on his representation Annexure A-20.

2. The respondents contend that the applicant is not entitled to any of these reliefs as the promotion consequent on the review Assessment proposed in terms of A-2 was to take effect only with effect from 27.7.98 as mentioned in A-5 and the applicant had retired from service on 1.5.98 was not entitled to the benefit of promotion. The respondents further contend that in terms of the order dated 7.9.88 of the ICAR as mentioned in A-17, no TA/DA is admissible to the retired Scientists for attending the interview after retirement. The respondents contend that there is no merit in the application.

3. Shri T.K.Venugopalan, learned counsel appeared for the applicant and Shri C.N.Radhakrishnan, learned counsel appeared for the respondents.


4. We have heard the counsel on both sides and perused all the pleadings and material placed on record. From Annexure A-5 it is evident that the Career Advancement Scheme was effective only with effect from 27.7.98, though initially the date was 1.1.96. The applicant has not challenged Annexure A-5 by which the date of effect of Career Advancement Scheme was changed from 1.1.96 to 27.7.98. The applicant having retired on 1.5.98, did not come within the purview of the Scheme which came into operation only on 27.7.98. The impugned order A-14, therefore cannot be faulted. Regarding the claim of the applicant for TA/DA even if the applicant was eligible for the benefit of the promotion under the scheme he would not have been entitled to



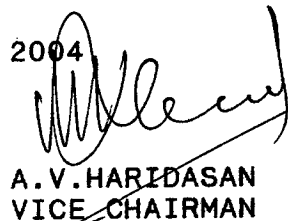
TA/DA in view of A-17 order after 1988. In this case the applicant was not entitled to the benefit of the scheme and his participation in the interview was futile. It appears that there has been a mutual mistake committed by the applicant as also by the CPCRI by calling the applicant for the interview and the applicant's participation in the interview. However, that does not lead to any legal consequence.

5. In the light of what is stated above, we do not find any merit in this application and therefore, the original application is dismissed leaving the parties to bear their own costs.

-Dated 17th August, 2004



H.P.DAS
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN

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