

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.38/09

Monday this the 19th day of January 2009

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

Dr.R.S.N.Pillai,
ICAR, Principal Scientist (Rtd.),
M20, Devaswom Lane, Kesavadasapuram,
P.O.Pattom, Thiruvananthapuram – 695 004.

...Applicant

(By Advocate Ms.P.K.Nandini)

Versus

1. Secretary,
Indian Council of Agricultural Research (ICAR),
Krishi Bhavan, Dr.R.P.Road, New Delhi.
2. Director,
Central Plantation Crops Research Institute (CPCRI),
Kudlu, Kasaragode – 671 124.
3. Director,
National Research Centre for Oil Palm, (ICAR)
West Godavari (District), Padavegi – 534 450 (AP)
4. Scientist in Charge,
NRCOP Regional Station (ICAR),
Palode, P.O.Pacha,
Thiruvananthapuram – 695 562.

...Respondents

(By Advocate Mr.T.P.Sajan)

This application having been heard on 19th January 2009 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has filed the present Original Application seeking the following reliefs :-



.2.

1. Call for the records leading to issuance of Annexure A-1.
2. Declare that 10% of net profit (as stated in Annexure A-2 legal notice) be paid to the applicant in terms of clause 4 of Annexure A-1.
3. Award 18% interest w.e.f. 31.12.2005 on the delayed payment of Rs.1865549.60.
4. Award adequate compensation to the applicant for the inaction on the part of the respondents.
5. Award costs of and incidental to this application.
6. Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

2. Annexure A-1 is a letter dated 17.11.1998 issued by the 1st respondent, namely, the Secretary, Indian Council of Agricultural Research, New Delhi to the 2nd respondent, namely, the Director, Central Plantation Crops Research Institute, Kasaragode regarding sanction of Revolving Fund Scheme entitled, "Indigenous production of Oil Palm hybrid seeds." Clause 4 of the said letter reads as under :-

4. An in built incentive could be made up to a level of 10% of the net profit for distribution among actual workers by the institution. The profit would be calculated taking into account the wages of all the staff borne on the Revolving hand Project budget.

3. Before the applicant has approached this Tribunal Annexure A-2 legal notice dated 29.11.2008 was send to the respondents seeking the aforesaid reliefs. Counsel for the applicant submitted that so far no reply has been received from the respondents to the said notice.



.3.

4. In the above facts and circumstances of the case, we direct the 1st respondent, namely, the Secretary, Indian Council of Agricultural Research (ICAR), New Delhi to consider the aforesaid Annexure A-2 legal notice and dispose of the same by way of a reasoned and speaking reply to the applicant in accordance with the rules within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

(Dated this the 19th day of January 2009)


K.NOORJEHAN
ADMINISTRATIVE MEMBER

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GEORGE PARACKEN
JUDICIAL MEMBER