

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

.....
O.A. No. 385 of 1994.

Tuesday this the 17th day of January, 1995.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. KV Krishnan Nair,
Supporting Staff,
Grade IV, Central Plantation
Crops Research Institute,
Research Centre, Palode.
2. D. Damodaran,
Supporting Staff Grade IV,
Central Plantation Crops
Research Institute,
Kasargode.
3. N.P. Srinivasan,
General Secretary,
Central Plantation Crops
Research Institute Employees
Association, Kasargode. .. Applicants

(By Advocate Shri PV Mohanan)

Vs.

1. The Director General,
Indian Council of Agricultural
Research,
Krishi Bhavan, New Delhi.
2. The Director,
Central Plantation Crops
Research Institute,
Kasargode.
3. Union of India represented by
the Secretary,
Ministry of Finance,
New Delhi. .. Respondents.

(By Advocate Shri CN Radhakrishnan)

ORDER

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicants seek a declaration, inter-alia, that
Supporting Staff promoted to Grade IV, are eligible to

remain in service till they attain the age of 60.

2. Applicants are employees of the Indian Council

of Agricultural Research, shortly called the ICAR.

They are Supporting Staff in Grade IV in the scale of

Rs.825-1200. They compare themselves with Group 'D'

employees under the Government of India and seek a

declaration that conditions of service to the extent

they relate to the age of retirement of Group 'D'

employees should govern them also.

3. From a large volume of pleadings, we find that

different communications have been issued by the ICAR

reflecting different views as in A-7, R-II, and R-III

and R-IV. R-II says that a final decision has been

taken. It does not say by whom, or under what authority.

All these may not be relevant in deciding the issue

before us. The rules and Bye-laws of the ICAR,

and more particularly Rule 38(b) (5) of the rules, invests

the governing body of ICAR with the power of laying down

the conditions of service. It is for the governing

body to lay down conditions of service, including conditions

relating to retirement age. It is not for different

officials to ventilate their views on such matters. Such

views cannot do service for rules/Bye laws. Standing

Counsel for respondent ICAR submits that no such rules have been issued under Rule 38(b)(5), governing the age of retirement of Grade IV employees. We fail to see why the ICAR or its officers should write various letters conveying their opinions in the matter, when it is to be determined by the rules framed under the enabling provisions. It is equally difficult to see why rules have not been issued regarding very basic matters. We are proceeding on the basis of the statement made by Standing Counsel for respondents that no rules have been framed. Allowing matters in a fluid state, is certainly not good administration.

4. We direct respondent ICAR to take a final decision in the matter of retirement age of applicants in accordance with rules/Bye-laws. Such decision will be taken positively within three months from today.

5. Original application is allowed as above.
No costs.

Tuesday this the 17th day of January, 1995.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

LIST OF ANNEXURES

Annexure A.7: True copy of the Clarificatory Letter F.No.9-2/88-Per.IV dated 5.9.89 of first respondent.

Annexure R.II: Copy of ICAR letter No.2-57/75-per-IV dated 18.6.1979.

Annexure R.III: copy of ICAR letter No.2-57/75-per IV dated 18.8.1979

Annexure R.IV: copy of ICAR letter No.5-57/91/1A-II dated 17.1.1994.