

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PATNA BENCH, PATNA.

OA - 54 of 1996

Date of order : 19 Nov. 1999

Baij Nath Rai, son of late Tanki Rai working as Assistant 'G' under respondent No. 2, Director of C.F.R.I., Post, F.R.I., District - Dhanbad, resident of village- Sonebarasa, Post - Chepakala via Baraka Gaon, P.S. Baraka Gaon, District - Hazaribagh. APPLICANT.

By Advocate Shri M.P. Dixit.

vs.

1. The Union of India through the Director General, C.S.I.R, Ratimarg, New Delhi.
2. The Director, Central Fuel Research Institute (in short C.F.R.I.), P.O. - F.R.I., District- Dhanbad.
3. Shri Rameshwar Das, Administrative Officer, C.F.R.I., F.R.I., District - Dhanbad. RESPONDENTS.

By Advocate Shri Lalit Kishore, Addl. Standing Counsel

C O R A M

Hon'ble Mr. Justice S. Narayan, Vice-Chairman
Hon'ble Mr. L. Hmingliana, Member (A).

O R D E R

L. Hmingliana, Member (A):- The applicant was an Assistant B in the Central Fuel Research Institute (in short CFRI). His application is against the rejection of his case for induction into the technical cadre, conveyed to him vide CFRI's letter dated 21.1.1996 (A/1). Because of his non-induction into the technical cadre, where the age of

superannuation was 60 years, he was faced with the prospect of retirement on superannuation on attaining the age of 58 years. And he has since retired.

2. The applicant was initially appointed in CFRI on 30.03.1959 as Khalasi, and he was subsequently promoted to the cadre of Lab Assistant, Lower Division Clerk, Upper Division Clerk, and then in 1986 as Assistant 'B'. Then the existing scheme of induction into technical side was extended to certain other categories on line similar to those which were available for induction for Group -I. Vida letter dated 20.7.1990 (A/4) of the CFRI, a list of trainees numbering 17 was prepared to undergo the first batch of training. The applicant was among the 17 at Sr. No. 9. Then, the Ad hoc Committee for induction to technical side (G-II) from the administrative side prepared a list of 14 persons who had finally qualified in the Trade Test for induction into the technical side. The applicant was among the 14 at Sr. No. 6. Inspite of that, the applicant was not inducted into technical side, and, as we have said, he had to retire at the age of 58 years, whereas he would have continued till he attained 60 years, if he had been inducted into the technical side.

3. The written statement on behalf of the respondents was filed on 30.5.1996, and it was verified by Shri P.K. Bandopadhyay who was the then Scientist -F in the office of the CFRI, Dhanbad. It is stated in the



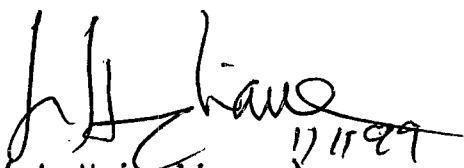
written statement that the life of the panel was one year and Shri Madhav Dutta, who figured at Serial No.4, was inducted into the technical side on 10.1.1992, i.e. within a period of one year from the date of the said panel. But the memo of induction of one Shri Mahadev Dutta and another Shri D.B.Mitra into the technical side, which is at Annexure-A/7, is dated 30.1.1992 and their induction is shown in the memo to be w.e.f. 30.1.1992, which was clearly after the lapse of one year from the date of the panel at Annexure-A/6, which was 18.1.1991. The statement is apparently wrong and there is no explanation for making such a wrong statement to the Tribunal. The Respondents, more particularly, Shri P.K.Bandopadhyay, by their wrong statement could provoke initiation of contempt of court proceedings against them, if we are to take a serious view of the wrong statement. Besides, there is no explanation for the induction of Shri D.B.Mitra into the technical side alongwith Dutta, when he did not figure in the panel dated 18.1.1991, though he figured at Serial No.6 in the theoretical training list of 17 persons who were to undergo as the first batch of trainees before induction into the technical side. the Tribunal However, the applicant himself has not approached/in an exemplary manner, as he has produced a confidential document at Annexure-A/6, which he states in his rejoinder affidavit as being given to him by one Shri S.K.Banerjee, the then Administrative Officer. Then we must overlook the irresponsible action of the respondents in making the wrong

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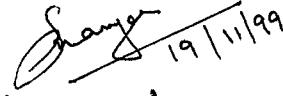
statement without proper explanation, as the applicant himself has approached the Tribunal in the manner we have just mentioned.

4. The applicant has now retired from service and he was on the verge of retirement even when he filed the O.A. As the induction into the technical side is stated by the Respondents to be need-based since 1.4.1992, the applicant cannot claim a vested right for induction into the technical side, and his application has to fail.

5. The application is dismissed with no order as to costs.


L. Hmingliana
Member (Admn.)

CBS / MPS.


(S. Narayan)
Vice-Chairman

19/11/99