

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH, BANGALORE

DATED THIS THE SIXTH DAY OF NOVEMBER 1986.

Present :Hon'ble Shri Ch.Ramakrishna Rao .. Member (J)

Hon'ble Shri P.Srinivasan .. Member (A)

APPLICATION NO.1029 of 1986

Dr.M.V.Sreedhar, M.A.,Ph.D.,
Professor cum Deputy Director,
Central Institute of Indian Languages,
Ministry of Education & Culture, GOI,
Manasagangotri, MYSORE 6. .. Applicant

(Shri N.B.Bhat .. Advocate)

Vs

1. Union of India,
By Secretary to GOI,
Ministry of Education & Culture,
Shastri Bhavan,
New Delhi 1.

2. Union Public Service Commission,
By Secretary to U.P.S.C.
Dholpur House,
New Delhi 110011.

3. Director,
Central Institute of Indian Languages,
Manasagangotri,
Mysore 6. .. Respondents

(Shri D.V.Shylendra Kumar .. Advocate)

This application came up for hearing before Court
today, Hon'ble Member (A) makes the following:

O R D E R

This is a transferred application received from the High Court of Karnataka. When the writ petition was originally filed, the applicant was working as Professor Cum-Deputy Director (PDD) in the Central Institute of Indian Languages, Mysore and his grievance in the petition was that he had not been confirmed even though he had been in the service of the Institute from 1970 onwards, and had been selected as PDD by the Union Public Service Commission in 1978. He prayed for the issue of ~~the~~ a writ of mandamus directing the 1st respondent (R1) to confirm him in the post of PDD and to grant him all the retirement benefits as and when he would attain the age of superannuation. Subsequently, he superannuated from service on 30.6.1985 without being confirmed.

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2. Shri N.B.Bhat, learned counsel for the applicant, contends that his client had been wronged by not having been confirmed, and as a result, he had not been given any pension, nor had the Death-Cum-Retirement Gratuity (DCRG) been given to him, because he was not a confirmed Government official on the date of superannuation.

3. Shre B.V.Shailendra Kumar, learned counsel for the respondents, informs us that the Departmental Promotion Committee(DPC) is expected to meet soon to consider and take a decision about the confirmation of the applicant, and that therefore this application is premature .

4. Shri Bhat, on the other hand, wanted us to declare that the applicant is deemed to have been confirmed w.e.f. 23.12.1980 when the period of probation as PDD expired, and to direct R1 to grant him superannuation pension, and DCRG, and to pay him a provisional pension, pending final determination of his pension and DCRG.

5. Shri Shailendra Kumar submitted that the DPC ~~had~~ did not have occasion so far to consider the case of the applicant, for confirmation for want of clarification in regard to certain matters and that it was therefore ~~too~~ ^W premature for us to give any direction of the kind sought for by the applicant.

6. We have considered the matter carefully. As has been stated before us, the confirmation of the applicant in his post has to be made on the recommendation of the DPC. We would not like to take on ourselves the duties of the DPC and directly order confirmation of the applicant. Moreover, the respondents have assured us that the question of the applicant's confirmation will now be taken up by the DPC. In view of this, we feel that it would be sufficient to direct the respondents to take up the matter of the confirmation of the applicant and take a

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final decision thereon within three months from the date of receipt of this order. We, therefore, issue a direction to that effect, and the same should be complied within three months from the date of receipt of this order.

7. In the result, the application is disposed of, in the manner indicated above. There will be no order as to costs.

Channabok

(CH.RAMAKRISHNA RAO)
MEMBER (J)
6.11.1986.

P.Srinivasan
(P.SRINIVASAN) b/1/86
MEMBER(A)
6.11.1986.

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