

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 4/8/81

REVIEW APPLICATION NO 59 / 86 ()
IN APPLICATION NO. 1440/86(T)

W.P. NO _____

Applicant

Shri R.C. Alandkar

V/s The Secy, M/o Food, Agriculture, Community
Development & Co-operation & 2 Ors

To

1. Shri R.C. Alandkar
Senior Artist
Indira Institute of Horticultural
Research (ICAR)
No. 255, Upper Palace Orchards
Bangalore - 560 006

2. Shri M. Narayanaswamy
Advocate
844 (Upstairs)
Vth Block, Rajajinagar
Bangalore - 560 010

3. The Secretary
Ministry of Food, Agriculture,
Community Development & Co-operation
(Dept of Community Development &
Co-operation), Krishi Bhavan
New Delhi - 110 001

4. The Secretary
Indian Council of Agricultural
Research
Krishi Bhavan, New Delhi - 110 001

5. The Director
Indian Institute of Horticultural
Research, No. 255, Upper Palace
Orchards
Bangalore - 6

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~XXXX~~ /

~~INTERIM ORDER~~ passed by this Tribunal in the above said Review

application on 23-7-87.

Encl : as above

6. Shri D.V. Shylendra Kumar
Advocate
Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

B.V. Venkatesh
DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 23RD DAY OF JULY, 1987

Present: Hon'ble Shri P. Srinivasan, Member (A)
and
Hon'ble Shri Ch. Ramakrishna Rao, Member (J)

REVIEW APPLICATION NO. 59/1987

Shri R.C. Alandkar,
S/o S.N. Alandkar,
aged about 55 years,
Senior Artist,
Indian Institute of Horticultural
Research (ICAR), No.255, Upper
Palace Orchards, Bangalore-6.

.... Applicant

(Shri M. Narayanaswamy, Advocate)

v.

1. The Union of India represented by its Secretary, Ministry of Food, Agriculture, Community Development & Co-operation (Dept. of Community Development and Co-operation), Krishi Bhavan, New Delhi.
2. The Secretary, Indian Council of Agricultural Research, Krishi Bhavan, New Delhi.
3. The Director, Indian Institute of Horticultural Research, No.255, Upper Palace Orchards, Bangalore-6.

.... Respondents.

(Shri D.V. Shylendra Kumar, Advocate)

This Review Application having come up for hearing to-day, Hon'ble Shri Ch. Ramakrishna Rao, Member (J) made the following:

O R D E R

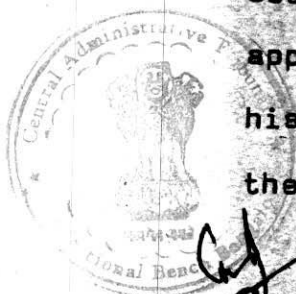
By this Review Application (RA) the applicant in A.No.1440/86 wants us to review the order dated 24.4.1987

62



rendered by us in that application. The applicant who was working in the Ministry of Food, Agriculture, Community Development and Cooperation of the Government of India (Ministry, for short), responded to an advertisement issued by the Indian Institute of Horticulture (Institute), Bangalore, for the post of Senior Artist in 1968. On being selected for the appointment he was permitted by the Ministry to join the new post at Bangalore on foreign service terms. The period of deputation was extended from time to time and finally, the Government informed the Institute that the services of the applicant would be available only upto 31.10.1973 and not beyond. Considerable correspondence on the subject took place and the same was enclosed with the application. The net result of the correspondence was that the Ministry insisted that the applicant should tender his resignation from service if he wanted to be permanently absorbed in the Institute. The applicant tendered his resignation finally agreeing to forego all benefits of past service and his resignation was accepted by the Ministry on 12.11.1974.

2. In A.No.1440/86 the applicant prayed that his past service should be counted for granting him pensionary benefits. After going through correspondence and hearing counsel for both sides we held that even though the applicant went on deputation initially to the Institute his final absorption was not in public interest and we, therefore, held that there was no reason to interfere



with the order of Respondent 1 in that application declining to grant pensionary benefits to the applicant in respect of the service rendered by him with the Government prior to 19.5.1969, the date on which he proceeded on deputation to the Institute.

3. Shri M. Narayanaswamy, learned counsel for the applicant strenuously contends that the correspondence produced on the subject clearly indicates that the applicant was forced to resign against his wish after having been on deputation with the Institute for five years or so and since the applicant's resignation was not voluntary his absorption in the Institute cannot be regarded as having taken place in his private interest and not in the public interest. In other words, since the applicant had gone on deputation with the permission of the Government his eventual absorption should also be treated as in public interest. Counsel also relied on the decision in Principal Bench of this Tribunal in T.S. RAMANATHAN v. UNION OF INDIA AND OTHERS (1986 ATR 141).

4. Shri D.V. Shailendra Kumar has opposed the Review Application and refuted the contentions of Shri Narayanaswamy.

5. After hearing both sides we are of the view that what the applicant really wants us to do is to reappraise the correspondence in the case and come to a different conclusion from the one that we arrived at in our earlier order. The correspondence now referred to by Shri Narayanaswamy was before us when the application was decided and

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we took the view that the applicant's absorption with the Institute was not in public interest and that he had not obtained the permission of the Ministry in that regard. We are not prepared to go through the evidence afresh for that would amount to functioning as an appellate authority over our own order.



6. We, therefore, reject the Review Application. Parties to bear their own costs.

Sd _____
Member (J)

Sd _____
Member (A)

- True Copy -

bsv/Mrv.

B. V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
4/8/