

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 18 FEB 1988

APPLICATION NO 551 / 8 7(F)

W.P.No. _____

APPLICANT

• Vs

RESPONDENTS

Dr N.G. Godse
To

The Secy, M/o Agriculture, New Delhi
& another

1. Dr N.G. Godse
No. 424/95/2, 6th Main Road
15th Cross, Malleswaram
Bangalore - 560 003
2. Shri M.V. Seshadri
Advocate
10, Parakala Mutt Building
Tank Bund Road
Bangalore - 560 009
3. The Secretary
Ministry of Agriculture
Krishi Bhavan
New Delhi - 110 001
4. The Chief Soil Survey Officer
All India Soil & Land Use Survey
I.A.R.I. Building
New Delhi - 110 012
5. Shri M. Vasudeva Rao
Central Govt. Sng Counsel
High Court Building
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~EXAM~~/
~~INTERIM ORDER~~ passed by this Tribunal in the above said application
on 28-1-88.

Encl: as above.

[Signature]
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 28TH DAY OF JANUARY, 1988.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy, Vice-Chairman.

And

Hon'ble Mr. L.H.A. Rego,

Member(A).

APPLICATION NUMBER 551 OF 1987

Dr. N.G. Godse,
Aged about 57 years,
working as Soil Survey Officer,
Government of India, Hebbal,
BANGALORE.

.. Applicant.

(By Sri M.V. Sheshadri, Advocate)

v.

1. The Union of India,
by its Secretary,
Ministry of Agriculture,
New Delhi.
2. The Chief Soil Survey Officer,
All India Soil and Land Use Survey,
I.A.R.I. Building,
New Delhi-12.

.. Respondents.

(By Sri M. Vasudeva Rao, CGSC).

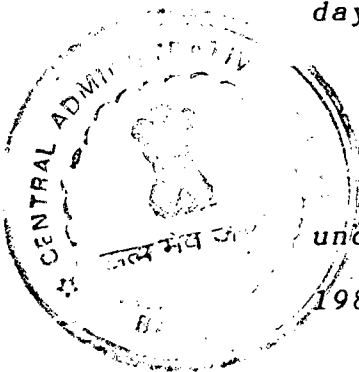
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This application having come up for hearing this day, Vice-Chairman made the following:

O R D E R

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. The applicant with the academic qualification of B.Sc.(Agriculture) (Honours) joined service on



1-4-1958 in 'All India Soil & Land Use Survey', an organisation of Government of India. While in service, he acquired a doctorate degree in Soil Science in 1969 awarded by the Indian Agricultural Research Institute, New Delhi.

3. Some time in 1968 or so, an unit or organisation called Aerial Photo Interpretation Unit (APIU) was formed by Government and from that time onwards the applicant has been working as a Soil Scientist in that unit.

4. In Memorandum No.2-8/68-Reorgn(Adm)/(1) dated 27-2-1969 (Annexure-A) Government accorded its sanction to transfer various units excepting the Aerial Photo interpretation Unit and certain other units with which we are not concerned to the Indian Council of Agricultural Research, New Delhi (ICAR), a society formed and functioning under the Societies Registration Act. Since APIU was not transferred to ICAR, the applicant had continued to function in that unit as a civil servant of the Union of India and is now due to retire also on 31-1-988.

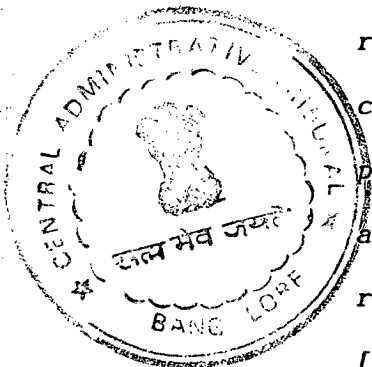
5. On transfer of certain units to ICAR, the applicant made various types of representations before Government, two of which are stated to be (1) for declaring the APIU as a 'Scientific Organisation' and (2) that he should be given an option to join ICAR to better his career prospects. But none of them were conceded by Government. Hence, on 6-7-1987,

the applicant had made this application for diverse reliefs and in the main to quash the order of Government dated 27-2-1969 (Annexure-A) and for a declaration that he was entitled to continue in service till he attains the age of 60 years.

6. Among others, the applicant has urged that the orders dated 27-2-1969 of Government in not transferring APIU to ICAR was discriminatory and violative of Articles 14 and 16 of the Constitution and that in any event, the nature of duties performed by him were similar to the duties performed by Scientists working in ICAR and, therefore, he was entitled for the very scales of pay, promotions and retirement age of 60 years allowed to them.

7. In resisting this application on merits, the respondents have urged that the challenge to the order dated 27-2-1969 which was the very primary and principal relief cannot be entertained and examined by this Tribunal under the Act.

8. Shri M.Vasudeva Rao, learned counsel for the respondents, contends that the applicant was really challenging the orders and actions that were all made prior to 1-11-1982 and the same cannot be entertained and adjudicated by this Tribunal under the Act as ruled in Dr.(Smt.)KSHAMA KAPUR v. UNION OF INDIA [1987(4) ATC 329] and V.K. MEHRA v. SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING (ATR 1986 CAT 203).



2

9. Sri M.V. Sheshadri refuting the contention of Sri Rao, contends that this application was in time and adjudicable under the Act.

10. In his very first prayer, the applicant has challenged order dated 27-2-1969 of Government. In determining the question of jurisdiction and limitation, we are not concerned with the reasons or grounds on which the same is challenged. Without any doubt, this challenge on the language of Section 21 of the Act explained in Mehra and Kshama Kapur's cases, cannot be entertained and adjudicated by us under the Act. As pointed out in Kshama Kapur's case the repeated representations made by the applicant, the nature of which also is disputed by the respondents can neither confer jurisdiction on us nor save limitation under the Act. On the principles enunciated in Mehra's case and Kshama Kapur's case, the challenge of the applicant to the order dated 27-2-1969 cannot be entertained and is liable to be rejected in limine without examining the merits. All other grievances which really emanate and flow from the order of Government dated 27-2-1969 which had crystallised and perfected prior to 1-11-1982 cannot also be examined and decided by us. On this view, the entire application is liable to be dismissed in limine.

11. But, notwithstanding our above conclusion, ~~however~~ accepting the contention of Sri Sheshadri that the claims of the applicant are continuing and subsisting, we propose to examine his submissions on merits also.

12. Sri Sheshadri, contends that in every one of the actions, Government had practised hostile discrimination against the applicant and he was, therefore entitled for every one of the reliefs sought by him.

13. Whatever may be the vicissitudes or the developments in the service career of the applicant, with which we are hardly concerned, the fact remains that at all points of time and even now he has continued to be a civil servant of the Union of India, and on his accepted date of birth, is also due to retire on 31-1-1988. If the applicant had remained and continued to be a civil servant of the Union, he cannot compare himself with those that joined ICAR in 1969 and on this basis urge that there has been a hostile discrimination practised against him on any matter. We are of the view that every one of the claims of the applicant are based on a total misapprehension of facts, law and are ill-conceived. We see no merit whatsoever in any of the claims of the applicant also.

14. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.



TRUE COPY

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VICE-CHAIRMAN

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MEMBER(A) 28/1/88

np/-

DEPUTY REGISTRAR (JDL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE