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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.852/96

Date of Order: 18.9.97

BETWEEN:

N.Kameswara Sastry

.. Applicant.

AND

1. Council of Scientific and Industrial Research, Rep. by its Chairman, Rafi Marg, New Delhi.
2. National Geophysical Research, Institute, Uppal, Hyderabad.
rep. by its Director. - - -

.. Respondents.

Counsel for the Applicant

.. Mr.N.Kameswara Sastry
(Party-in-Person)

Counsel for the Respondents

.. Mr.C.B.Desai

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CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr.Kameswara Sastry, Party-in-Person and Mr.C.B.Desai,
learned standing counsel for the respondents.

2. The applicant in this OA while working as UDC special grade was posted as a Project Assistant by office order No. NGRI-7/6/81-Rectt. dated 1.1.82 (A-3). In para-4 of that order it is stated that the applicant will have no claim for appointment as Project Assistant in the regular establishment on the termination of the appointment in the project. It is also stated in para-6 the expenditure involved will be met from the budget sub-head of the above project. The applicant was relieved from the Project

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and posted back as an Assistant on 31.3.96. The applicant retired from service on 30.6.97.

3. The applicant submits that a technical staff in NGRI is to be superannuated only after attaining the age of 60 years whereas non-technical staff after ⁵⁸ 60 years of age. The applicant was retired after completion of ^{long} 15 years of ^{service} age on 30.6.97. The contention of the applicant is that as he worked as a Project Assistant in the technical cadre in the project he should have been absorbed in the technical cadre in NGRI and he should have been retired at the age of 60 and not at the age of 58.


4. This OA is filed praying for a direction to the respondents to regularise the service of the applicant on technical cadre, namely Project Assistant, and continue him in the said cadre by extending all benefits including the extended age of superannuation with all consequential benefits and attendant benefits.

5. The main contention of the applicant is similar as the contentions raised in OA.431/95. Though the applicant submits that his case is different from the case in OA.431/95 he keeps on insisting he is borne in the technical cadre in NGRI and hence he should have been continued upto 60 years of age. He further submits that the projects are executed by the NGRI and on that basis he is entitled for treating him as a technical staff in NGRI. This point was elaborately considered in the above referred OA. There was no material available in that case to show the pay and allowances of that applicant while working in the Project was debited to NGRI sanctioned Revenue estimate. On that basis only we came to the conclusion that the applicant in that OA cannot be considered as a Project Assistant in the NGRI when

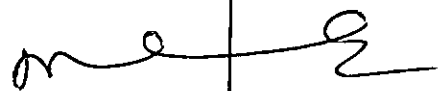
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and hence
he joined as an Assistant in the NGRI/he has to be retired in
accordance with the law for a non-technical employee. In the
present case also when we insisted the applicant to show that the
expenditure involved in ^{regard to his} pay and allowances while he was working
as a Project Assistant in the Project was debited to the NGRI by
~~estimate~~ the applicant could not show any proof. He only
said that it has to be obtained from the respondents. The respondents
are categorically saying that there can be no such document as his
pay and allowances were debited to the project only and not borne
by the NGRI in its ~~estimate~~. Even in his order appointing
him as Project Assistant on 1.1.82 it was made clear that the
applicant will not be considered as a Project Assistant in the
regular establishment. It is also stated in that order the
expenditure involved will be met from the budget sub-head of
the above project.

6. In view of that we have no alternate except to follow the
reason given in OA.431/95 decided on 19.8.97 and on that basis
the OA is dismissed. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)

(18/9/97)


(R.RANGARAJAN)
Member (Admn.)

Dated : 18th September, 1997

(Dictated in Open Court)


D.R.(S)

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Copy to:-

1. The Chairman , Council of Scientific and Industrial Research,
Rafi Marg, New Delhi.
2. The Director, National Geophysical Research Institute, Uppal
Hyderabad.
(Party- In -Person)
3. One Copy to Mr. N. Kameswara Sastry, Project Assistant, NGRI
National Geophysical Research Institute, UPPal Hyderabad
4. One copy to Mr-C.B. Desai , S.C.For CSIR. CAT. Hyd.
5. One Copy to The D.R.(A).
6. One Duplicate Copy.

Upr.

6/10/77
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND.

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

Dated: 18.9.97

ORDER/JUDGMENT

M.A./R.A./C.A. NO.

in

O.A. NO. 852/96

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

