

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD .

~~M A R A O P.~~

~~IN~~
O A / T A 130.1 1998

..... V. M. Murali Applicant (S)

Versus

..... The Director N. A. A. R. M. Andrews Respondent (S)

INDEX SHEET

Serdal No .	Description of documents and dates.	Pages.
Docket orders.		153
Interim orders	1-10-97.	35 to 37
Orders in M A(S)		
Reply statement		27 to 34
Rejoinder		
Orders in (Final orders)	19-5-98	38 to 42

Certified that the file is complete
in all respects.

Signature of
Dealing Hand.

(In record section)

Signature of S .O.

(2)

- 2 -

OA-1301/97

Date

Office Note

ORDER

12-12-97

Mr. Bhimanna informs
that counter has been
filed on 10-12-97 and a
copy thereof has been
sent by post to the
counsel for the applicant.
List it after two weeks

Q
HARP
M(A)

SSS

15-12-97

List it tomorrow at the request
of Mr. Bhimanna.

Q
HARP
M(A)

KSM

16-12-97

None present for either party.
Post-it on 18-12-97.

Q
HARP
M(A)

SK

18-12-97.

Adjourned to 20 Jan 98 at the
request of the applicant's counsel.

Q
HARP
M(A)

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

J.A.No. 1301 of 1997.

V. Murali

Applicants(s).

VERSUS.

In Director, NAARM, Hyd & anoth

(Respondents).

Date

Office Note

ORDER

1.10.1997

Heard Mr. V. Prabhakar Rao for the applicant and Mr. V. Bhimanna on behalf the Respondents.

The case is admitted. Respondent to file counter in 6 weeks.

As an interim measure, the following portion of the impugned order F. No.2-95-Admn.I Dt.18.8.1997, Annexure-1 to OA (Page-7), shall not be acted upon until further orders:

"The total leave availed on this account will be treated as leave ^{of kind} ~~on account~~ due and admissible."

Jr
HHRP
M(A)

KSM

Two weeks granted to the Respondents to file the reply. List it on 12th December, 97.

Jr
HHRP
M(A)

KSM

Admit / Notice
by
21/10/97

Issued
by
9/10/97

26.11.97.

O.A. NO. 1301/97

DATE

OFFICE NOTE

ORDERS

20.1.98

Heard Mr. V. Prabhakaran
Rao for the applicant and
Mr. V. Bhimanna for the
respondents.

Reserved

HHRP

H(A)

19/5/98

The O.A. is disallowed, vide
order on separate sheet.

J
HHRP
H(A)

Dis

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 1301 OF 1997.

V. Murali

(Applicants(s))

VERSUS.

Union of India, Repd. by.

Director, National Academy of Agricultural

Research Management (NAARM)
Hyderabad & Co.

Respondent(s).

The application has been submitted to the Tribunal by
Shri V. Balakrishna Rao Advocate/party-in
person Under Section 19 of the Administrative Tribunal
Act, 1985 and the same has been scrutinised with reference
to the points mentioned in the check list in the light of
the provisions in the Administrative Tribunal (procedure)
Rules 1987.


The application is in order and may be listed for
Admission on -----

① SA/Sr
Scrutiny Asst.

Amk
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested been filed. 44
12. Has the applicant exhausted all available remedies. 47
13. Has the Index of documents been filed, and Pagination done Properly. 46
14. Has the declaration as required by item No. 7 of form, I been made. 47
15. Have required number of envelopes (file size) bearing full address of the respondents been filled. 47
16. (a) Whether the relief sought for, arise out of single cause of action. 47
17. (b) Whether any interim relief is prayed for, 47
17. In case an MA for condonation of delay in filed, is it supported by an affidavit of the applicant. 47
18. Whether this case can be heard by single Bench. 47
19. Any other Point.
20. Result of the Scrutiny with intial of the scrutiny clerk.

May be number of Pl.


Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH, HYDERABAD.

Dairy No. 2882/97

Report in the Scrutiny of Application.

Presented by Sd/- V. Prabhakar Reddy Adv Date of Presentation.

Applicant (S) V. Murali

9/9/97

Respondent (S) Director, NARM, Hyderabad

Nature of grievance Denial of Compensatory Holiday

No. of applicants 1 No. of Respondents 1

CLASSIFICATION

Subject Leave (No. 161) Department ICCR (No. 55)

1. is the application in the proper form, (three complete sets in paper books form in two applications. 44
2. Whether name, description and addressed of all the Parties been furnished in the cause title. 44
3. (a) Has the application been fully signed and verified. 44
(b) Have the copies been duly signed. 44
(c) Have sufficient number of copies of the application been filed. 44
4. Whether all the necessary Parties are impleaded. 44
5. Whether English translation of documents in a language other than English or Hindi been filed. 44
6. Is the application on in time, (See Section 21) 44
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. 44
8. Is the application maintainability. (U/s 2, 14, 18, or U/R. 8 etc.) 44
9. Is the application accompanied IPO/DD, for Rs. 50/- 44
10. Has the impugned orders Original, duly attested legitable copy been filed. 44

...P.T.O.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BRANCH: HYDERABAD

I N D E X S

O.A. NO. 1301 of 1997.

CAUSE TITLE V. Murali

V E R S U S

The Director, NAARM, And 4 auctt

Sl.NO.	Description of documents	Page No.
1.	Original Application	1 to 6
2.	Material Papers	7 to 20
3.	Vakalat	1
4.	Objection Sheet	-1-
5.	Spere Copies 2(Two).	
6.	Covers 2 - A	

7. Reply statement filed by Mr.
V. Brahmanne on 10/12/97

TO Quam. the office order dtd 18.8.97 and to direct the respondents to grant the benefits of compensatory holiday leave and also to extend the period of availment etc. (4)

Smth.

Application Under Section 19
of the Administrative Tribunals Act, 1985

O.A. No. 1301 of 1997

Leave (b)
(B)

Between:

V. MURALI

.. Applicant.

And

Director

National Academy of Agricultural
Research Management (NAARM) Garden
Rajendra Nagar, Hyderabad. *Suppl.*



TEAR (55)

साधारण/GENERAL

Director General,

Indian Council of Agricultural Research
Krishibhavan, New Delhi. *2888*

.. Respondents.

I N D E X

S.NO	DESCRIPTION OF DOCUMENTS RELIED UPON P.NOS.	ANNEX.
------	---	--------

- | | | | |
|-----|---|-------|---|
| 01. | Application | 1 - 6 | |
| 02. | Letter F.No.2-262/95 Admn-I
dated 18.8.1997 denying Compensatory
Holiday Leave by Respondent-1. | 7 | 1 |
| 03. | Letter No. F.No.2(2)/86-WS(Pt.II)
dated 31.7.1997 denying Compensatory
Holiday Leave by Respondent-2 | 8 | 2 |
| 04. | Office order 2-262/95 Admn-I
dated 20.12.1996 granting Compensat-
ory Holiday Leave to the applicant
by Respondent-1. | 9 | 3 |
| 05. | Xerox copy of judgement of Hon'ble
Central Administrative Tribunal,
Bangalore Bench, dt.18.04.1996. | 10 | 4 |
| 06. | Office order of Sister Concern of
respondent-2 in granting and availment
of Compensatory Holiday Leave to T-5
and above cadre staff in pursuance of
Hon'ble Central Administrative
Tribunal, Bangalore Bench Orders. | 20 | 5 |

Received
N.R. Desai
9/9/97 -

SIGNATURE OF THE APPLICANT

COUNSEL FOR THE APPLICANT.

CHRONOLOGY OF EVENTS
O.A. No. 1301 OF 1997.

Between:

V. MURALI

..Applicant.

And

Director,

National Academy of Agricultural
Research Management (NAARM)
Rajendra Nagar, Hyderabad.

Director General,

Indian Council of Agricultural Research,
Krishibhavan, New Delhi.

.. Respondents.

1. Date of withdrawl of Special Leave Petition
before Hon'ble Supreme Court of India by the
Respondent-2. 09.10.1990
2. Date of Order of Hon'ble Central Administrative
Tribunal, Bangalore Bench awarding the compensat-
ory holiday in O.A. 1645 of 1995 and 1713 of
1995 to 1732 of 1995. 18.04.1996
3. Date of award of compensatory Holiday Leave
to the applicants in O.A. 1645 of 1995 and 1713
of 1995 to 1732 of 1995, in pursuance of orders
of Hon'ble Central Administrative Tribunal,
Bangalore. 05.05.1996
4. Date of award of Compensatory Holiday Leave
to the applicant by respondent-1. 20.12.1996
5. Date of concellation of granted compensatory
Holiday Leave. 18.08.1997



COUNSEL FOR APPLICANT.

Application Under Section 19
of the Administrative Tribunals Act, 1985

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, HYDERABAD.

O.A. No. 1301 of 1997

Between:

V.Murali S/o. V.Satyanarayana
aged about 38 years, R/o.102, Garden superintdnt
Peace Court Apartments,
Umanagar, Begumpet,
Hyderabad - 500 016.

.... Applicant

A N D

Director,
National Academy of Agricultural
Research Management (NAARM)
Rajendra Nagar - Hyderabad-500030.

.... Respondent No.1

Director General,
Indian Council of Agricultural Research(ICAR),
Krishi Bhavan, New Delhi-110 001.

.... Respondent No.2

1. PARTICULARS OF THE APPLICANT

- | | | | |
|------|---|---|---|
| i) | Name of the Applicant | : | V. Murali |
| ii) | Name of the Father | : | V.Satyanarayana |
| iii) | Designation and Office
in which employed | : | Garden Superintendent(T-7)
NAARM, Rajendranagar,
Hyderabad - 500 030. |
| iv) | Office Address | : | - do - |
| v) | Address for service of
all notices | : | M/s.V.Prabhakara Rao
Advocate
#202, Harry's Mansion
Venkataramana Colony
Hyderabad-500 004. |

2. PARTICULARS OF RESPONDENTS:

- | | | | |
|----|--|---|--|
| i) | Name and designation of
the respondents | : | 1. Director
National Academy
of Agricultural
Research Management
Rajendra Nagar,
Hyderabad - 500 030. |
| | | : | 2. Director General
Indian Council of
Agricultural Research
Krishi Bhavan,
New Delhi - 110 001. |

Prabhakara Rao

ii) Office address of the Respondents

: Director
NAARM, Rajendranagar
Hyderabad-30.

Director General
Indian Council of
Agricultural Research,
Krishi Bhavan,
New Delhi-110001.

iii) Address for service of all notices.

: -do-

3. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION IS MADE :

The instant application is made against the following Orders.

Letter / Note No:

(a) F.No. 2-262/95 - Admn.I dated August 18, 1997.
Issued by the Respondent-1 Annexure-1.

(b) Letter No.F.No.2(2)/86-WS(Pt.II) dated 31st July, 1997,
Issued by the Respondent-2 Annexure-2.

(c) Subject in brief
Denial of availment of special Compensatory holiday leave granted to the applicant compensating extra hours of duty performed by him.

4. JURISDICTION OF TRIBUNAL :

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal Under Section 14 of Administrative Tribunals Act, 1985.

5. LIMITATION :

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985 since the impugned orders were passed by the first Respondent on:

i) Date: 18.8.1997 in Note/Letter No. 2.262/95 Admn.I.
Issued by the Respondent-1.

ii) Date: 31.7.1997 in letter No.F.No.2(2)/86-WS(Pt.II).
Issued by the Respondent-2.

Verulko

6. FACTS OF THE CASE :

6.1 The applicant most humbly submits that he initially joined as Farm Manager (T-5 Cadre) on 31.12.1984 in the Office of the Respondent-1 which functions under the over all control of Respondent-2 ie. I.C.A.R. At present the applicant is serving in the office of the Respondent-1 in the capacity of Garden Superintendent (T-7 Cadre), as such the applicant has put in about 14 years of unblemished service in total.

6.2 The applicant submits that in pursuance of order of Hon'ble Central Administrative Tribunal, Bangalore Bench, in O.A. No 1645/95 and 1713 to 1732 of 1995 in the similar circumstances the Hon'ble Tribunal has ordered Respondents therein, to compensate those who have performed extra hours of duty by granting Compensatory Holiday leave as a very special case, irrespective of their Cadre. Accordingly the applicants therein were granted special compensatory leave Holiday by the Respondent-2 vide Annexure-V. The said order of Hon'ble Tribunal has become final in view of withdrawal of Special Leave Petition before Hon'ble Supreme Court of India by the Respondent-2.

Likewise the applicant was ^{entitled} granted compensatory holiday leave of 164 days by the respondent-1 (Annexure-3) in pursuance of the orders of respondent-2 issued vide letter No.2(2)/86-WS dated 11.4.1994. In the said proceedings issued by the respondent-1, it is mentioned that the period for availment of the compensatory holiday leave granted to the applicant is only upto 31.12.1997, failing which the applicant will not have any claim for this compenstory holiday leave beyond the said date.

6.3 The applicant submits that in pursuance of the above referred orders issued by the respondent-1 (Annexure No.3) applied and proceeded on compensatory holiday leave from 14th July, 1997.

7. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

The applicant submits that with reference to the similar subject matter which was already agitated before Hon'ble Central Administrative Tribunal, Bangalore Bench by the Officers of grade T-5 and above cadres who were the employees of respondent-2 in

[Signature]

Contd..4.

O.A. 1645 of 1995 and O.A. 1713 of 1995 to 1732 of 1995. The Hon'ble Central Administrative Tribunal, Bangalore Bench, passed orders on 18th April, 1996 in the above respective applications in the favour of applicants therein and also ordered the respondents to grant the compensatory holiday leave to all the affected staff irrespective of their status as it was granted as a 'Very special Case'. Copy of the judgement of Hon'ble Central Administrative Tribunal, Bangalore Bench is enclosed (Annexure-4). Applicant submits that the respondent-2 is one and the same, and under whose jurisdiction respondent-1 is functioning.

8. RELIEFS SOUGHT :

In view of the above mentioned facts and legal proposition of law mentioned above, the applicant prays for the following reliefs:

- i) Quash the office order No.2 2-262/95-Admn-i dated August 18, 1997 (Annexure-1) issued by the respondent-1 declaring the same as illegal, irregular, arbitrary, capricious, discriminatory and not sustainable in law.
- ii) Direct the respondents to grant the benefits of compensatory holidays/leave or encashment of the said leave to the applicant herein to the extent of compensatory holidays to his credit as per the particulars furnished under Annexure-3 hereto and further to extend the period of availment of the said leave beyond 31st December, 1997.

iii) AWARD Costs :

- a) Court's fee, Advocate's fee and other incidental charges incurred by the applicant towards filing of this application.

Not
pressed
VP/2/11/...

~~(b) To award exemplary damages in the circumstances of the case.~~

- iv) Grant such other relief or reliefs as this Hon'ble Tribunal deems it fit to grant in the facts and circumstances of this special case.

[Signature]

9. INTERIM ORDER SOUGHT ;

Pending final decision on the application, the applicant seeks interim order to the respondent-1 to restore the compensatory holiday leave applied by the applicant immediately.

10. DETAILS OF THE REMEDIES EXHAUSTED :

The Applicant declares that he has availed of all the remedies available to him under the relevant service rules. As the respondent NO.1 passed an order, in pursuance of orders of R-2.

11. MATTER NOT PENDING WITH ANY OTHER COURT :

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

12. POSTAL ORDER DETAILS, IN RESPECT OF THE APPLICATION FEE :

Indian Postal Order No.12 222910, dt.08.09.1997 for Rs.50/- issued by Padmavathi Nagar Post Office, Khairtabad, Hyderabad.

13. DETAILS OF INDEX :

i) An Index in duplicate containing the details of the documents to relied upon is enclosed.

ii) A Chronology of events is also enclosed.

Rs. 50/-
P.O. B.C. D.D. / Remove

[Signature]

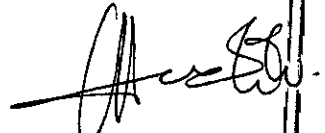
Contd..6.

14. VERIFICATION :

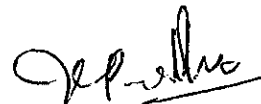
In verification I, **V. Murali**, S/o. V.Satyanarayana, aged about 38 years, Occupation: Government Service, resident of # 102, Peace Court Apartments, Umanagar, Begumpet, Hyderabad - 500016. Andhra Pradesh, do hereby verify that the contents from paragraphs 1 to 13 are true to best of my personal knowledge and belief and that I have not suppressed any material facts.

Place: Hyderabad

Dated : 9th September, 1997



SIGNATURE OF APPLICANT.



COUNSEL FOR APPLICANT.

To

The Registrar
Central Administrative Tribunal
Additional Bench at Hyderabad.

Page 7 (12)
Annexure - 1

NATIONAL ACADEMY OF AGRICULTURAL RESEARCH MANAGEMENT
Rajendranagar, Hyderabad - 500 030

F.No.2-262/95-Admn.I
August 18, 1997

NOTE

Please refer to your applications for grant of Compensatory Leave from 21.07.97 to 01.11.97. In this connection, it is stated that the Indian Council of Agricultural Research has recently clarified vide its Lr.No.2(2)/86-WS(Pt.-II) dated 31.7.97 that the Technical Officers of the Grade T-5 & above are not entitled for compensatory leave for the extra hours of duty performed during 18.02.88 to 21.09.90. On the strength of ICAR's instructions, your request for grant of compensatory leave has not been approved and the total leave availed on this account will be treated as leave of kind due and admissible.

In this context, Director has expressed his displeasure on availing the leave at the most critical time of the farm operations. You are, therefore, advised to join duty immediately.

This is issued with the approval of Director.

M. Suresh Kumar
M. Suresh Kumar
Chief Admn. Officer

Shri V.Murali, T-7 (Garden Superintendent)
through Officer Incharge, Farm.

TC *V. Murali*

Page 8¹³
Ann-2

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN : NEW DELHI.

F.No.2(2)/86-WS(Pt.-II)

Dated the 31/7 July, 1997.

To

The Directors/Project Directors of all
Research Institutes/Centres etc.

Subject:- Compensatory leave for performing extra hours
of duties-regarding.


Reference:- I.C.A.R. letter No.2(2)/86-WS(Pt.-I) dated the
19th May, 1997.

Sir,

Reference is invited to Council's Circular
quoted above where in it was decided that the time limit
for availing the Compensatory leave can't be extended beyond
31.12.97 and should be availed by concerned staff before
31.12.97. Some of the Research Institutes have sought
clarification whether the Technical Officer (T-5 and above)
are entitled to compensatory leave in lieu of performing
extra hours of duties for the period from 18.02.1988 to
21.09.90.

In this regard it may be stated that as per
existing instructions of the Council, Technical Officers
(T-5 and above) are not entitled to any compensatory leave in lieu
of performing extra hours of duties for the period from
18.02.88 to 21.09.90.

Yours faithfully


(G.C. SHARMA)
DEPUTY SECRETARY (S)

TE rep mho

Page. 9¹⁴
Ann. 3

NATIONAL ACADEMY OF AGRICULTURAL RESEARCH MANAGEMENT
Rajendranagar : Hyderabad 500 030

No.2-262/95-Admn.I/
20th December, 96

Office Order

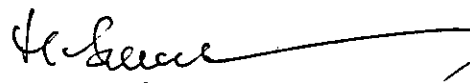
In pursuance of Council's letter No.2(2)/86-WS dated 11.04.94, it has been decided to grant compensatory leave to those technical staff who have performed extra hours of work between 18.02.1988 to 21.09.1990. The entitlement of compensatory leave to individual staff is mentioned below.

- | | | |
|----|---|----------|
| 1> | Shri V.Murali, Garden Superintendent | 164 days |
| 2> | Shri M.A.Basith, Jr.Farm Superintendent | 27 days |
| 3> | Shri K.Rangaswami, Technical Officer | 147 days |
| 4> | Shri B.Veeraiah, Field Assistant | 164 days |
| 5> | Shri Ahire Laxman Maharu, Hort.Tech.Asst. | 163 days |

The interested staff members can avail the compensatory leave to their entitlement upto 31.12.1997. It has also been decided that all the concerned employees may be given compensatory leave in a phased manner, giving more flexibility to the concerned employees in planning their leave programme. However, no further extension will be granted and those who will not avail such leave have no claim for compensation for extra duty performed during the aforesaid period.

It may be added here that a proposal regarding payment of 50% cash compensation for extra hours duty during the aforesaid period is under consideration in the Council.

This has been issued with the approval of the Director.


<M.Suresh Kumar>
Chief Admn.Officer

Distribution:

1. Copy to All concerned
(through Garden Superintendent)
2. Finance & Accounts Officer
3. Admn.II Section
4. PA to Director

TC 

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE EIGHTEENTH DAY OF APRIL. 1996

ORIGINAL APPLICATION NOS. 1645/95 & 1713 to 1732/95

MR. T. V. RAMANAN, MEMBER(A)

1. The Indian Institute of Horticultural Research Employees' Association, G-5, Brigade Links, 1st Main Road Seshadripuram Bangalore-560 020 represented by its General Secretary Sri S.C. Chandrashekar.
2. Shri S.A. Sridhara Son of Dr. S.N. Anantharamaiah Aged about 39 years Technical Officer-T5.
3. Shri B.L. Kashinath Son of Lakshminarasimha Sastry Aged about 35 years Technical Officer-T6
4. Shri G.L. Pattar Son of L.B. Pattar Aged about 49 years Technical Officer-T5.
5. Shri P.B. Gaddagimath Son of Late Dr. B.S. Gaddagimath Aged about 39 years Technical Officer-T6.
6. Shri H.L. Jayaram Son of Shri H.N. Lakshminarayana Rao, Aged about 39 years Technical Officer-T5
7. Shri Robert Lewis Son of Thomas Lewis Aged about 38 years Technical Officer-T5.
8. Shri G. Prakash Son of B.G. Naidu Aged about 37 years Technical Officer-T5.
9. Sri Tapas Kumar Roy Son of late N.C. Roy Aged about 35 years Technical officer-T5.
10. Shri C.S. Bujji Babu Son of C. Seshamannaidu Aged about 36 years Technical Officer-T5.

[Handwritten signature]

Second Floor *Page 1015*
Commercial Complex,
Indiranagar,
BANGALORE - 560 038. *Amey*

Dated: 18 APR 1996

APPLICATION NO. 1645 of 1995 and 1713 of 1995 to 1732 of 1995.

APPLICANT(S) : Indian Institute of Horticultural Research
Employees Association, Bangalore, represented by
V/s., Sri.S.C.Chandrashekar, General Secretary and 20 Ct

RESPONDENTS : Director General, Indian Council of Agricultural
Research, N.Delhi and another.

To.

1. Sri.D.Leelakrishnan, Advocate,
G-5, Brigade Links, 54/1,
First Main Road, Seshadripuram,
Bangalore-560 020.
2. Sri.S.V.Shastri, Advocate,
IInd Floor, First Cross,
Sri Vinayaka Building,
Near Sampige Theatre,
Sampige Road, Malleswaram,
Bangalore-3.

Subject:- Forwarding of copies of the Orders passed by
Central Administrative Tribunal, Bangalore-33.

-x-x-x-

A copy of the Order/Stay Order/Interim Order,
passed by this Tribunal in the above stated applicatio(s)
is enclosed for information and further necessary action.
The Order was pronounced on Eighteenth April, 1996.

TC DePakhu

for Deputy Registrar
Judicial Branches.

21. Mrs. Sarojini Jalali
Wife of Mr. Jalali
Aged about 38 years
Technical Officer-T6
Krishi Vigyan Kendra
GONIKOPPAL-571213.
Kodagu District.

... Applicants

(By Advocate Mr. D. Leelakrishnan)

1. The Indian Council of Agricultural Research, Krishi Bhavan
New Delhi-110 001.
2. The Indian Institute of Horticultural Research, Hessaraghatta
Bangalore-560 089 by its Director... Respondents

(By Advocate Mr. S.V. Shastri)

O R D E R

In this application under Section 19 of the Administrative Tribunals Act, 1985, the following reliefs have been sought:

i) QUASH the office order No.F.18-48/93-Adm dated 26th November 1994 (Annexure-A4) issued by the 2nd Respondent, declaring the same as illegal, irregular, arbitrary, capricious, discriminatory and not sustainable in law;

ii) DIRECT the Respondents to grant the benefits of Compensatory Holidays/leave to the Applicants 2 to 19 herein to the extent of balance of compensatory holidays to their credit as per the particulars furnished under Annexure-A3 hereto;

iii) AWARD costs;

iv) GRANT such other relief or reliefs as this Hon'ble Tribunal deems it fit to grant in the facts and circumstances of this case.

2. The facts of the case in brief are: In O.A. No.513/88 this Tribunal passed an order on 19.8.1988 quashing the office order dated 18.2.1988 issued by respondent-1 as also the office order dated 24.3.1988 issued by respondent no.2 and directed that the

...4/-

11. Shri D.L. Shetty
Son of Laxman P. Shetty
Aged about 35 years
Technical Officer-T5.
12. Shri Munirathnaiah
Son of laxman P. Shetty
Aged about 39 years
Technical Officer-T5.
13. Shri S. Basavaraja
Son of Shivappa
Aged about 42 years
Technical Officer-T5.
14. Shri N.K. Kacker
Son of P.K. Kacker
Aged about 43 years
Technical Officer-T5.
15. Shri T.P. Suresh
Son of T.P. Parswanathaiah
Aged about 42 years
Technical Officer-T5.
16. Shri K. Ravikumar
Son of K.V. Brahmachary
Aged about 37 years
Technical Officer-T5.
17. Shri H.V. Sathyanarayana
Son of Venkataramanappa
Aged about 42 years
Technical Officer-T5.
18. Shri V.K. Sehgal
Son of C. Sehgal
Aged about 39 years
Technical Officer-T5.

(Applicants 2 to 18 are all working in Indian Institute of Horticultural Research, Hesaraghatta, Bangalore-29).

19. Shri C.S. Patil
Son of S.G. Patil
Aged about 40 years
Technical Officer-T5
(Library) CHES, Chettahalli
Kodagu District-571248.
20. Shri M.T. Subbaiah
Son of Late M.S. Thimmaiah
Aged about 48 years
Technical Officer-T6
Krishi Vigyan Kendra
BONIKOPPAL-571213.

Val

The petitioners will have the liberty to approach appropriate forum if so advised and in accordance with law in case they feel aggrieved by the decision taken by the Council on their representation".

This order, it is stated, was implemented by the respondents therein by grant of compensatory leave/holidays to the concerned officials. The respondents herein not having taken any decision to grant overtime allowance or to grant compensatory leave/holidays for the extra hours put in by the applicants herein and others on their representations, applicant no.1 herein and 2 others filed an application no.151/93 before this Tribunal praying for grant of the benefit of either overtime allowance or compensatory leave/holidays in lieu of the extra hours of work put in by them during period from 20.4.1988 to 31.10.1990. After hearing the parties therein the Tribunal by its order dated 28.7.93 allowed the applicants to make individual representations to the respondents within 3 months from the date of the order and directed the respondents to consider these representations within a further period for 3 months thereafter to see "what best could be done to these people in accordance with the judgement of the Tribunal in the earlier case. It is open to the administration either to give the employees compensatory holiday or payment of wages for overtime. They can choose between the two and appropriate relief could be granted". Subsequently, respondent -2 issued an office order dated 25.6.1994 (Annexure-A2) which reads as follows:

Yash

applicant therein who is applicant no.2 herein shall not be required to work for more than 40 hours per week excluding the lunch break of half an hour per day and directed the respondents herein to effect the change in working hours from 15-10-1988. It is on record that the said order of this Tribunal was challenged by the respondents before the Supreme Court of India in SLP which was subsequently withdrawn by the respondents on 9.10.1990. Thereafter respondent-2 issued an office order dated 31.10.1990 giving effect to change of working hours as directed by this Tribunal in its order No.513/88. In the meanwhile, in similar circumstances, by an order dated 31.8.1989 the Ernakulam Bench of this Tribunal in O.A. No.223/88, K.T. Joseph, President, Central Tuber Crops Research Institute (Class III) Employees Association and V.P. Aravindakshan Vs. Indian Council of Agricultural Research represented by its Director General, New Delhi and Director, Central Tuber Crops Research Institute, Sreekariyam, Trivandrum-17, gave the following directions:

i) The petitioner if so advised may take up the matter with the Board of Directors of all Research Institutes under the Council for a reconsideration of the matter so as to restore the original timing followed in the Institute.

ii) Till a decision is taken, in case the petitioners approach the council as directed above, the respondents shall grant the petitioners either overtime allowance or compensatory leave for the extra work done by them per day in the light of Annexure-4 order.

JP

OFFICE ORDER

It is brought to the notice of staff of I.I.H.R. Hesaraghatta and its Regional Stations that Class-II Officers in the pay scale of Rs.2000-3500 and above are not entitled for compensatory holiday/leave, as per rules. In view of the above, technical staff of gazetted status T-5 (Technical Officer) and above or of equivalent status are not entitled to grant of compensatory holiday. This may kindly be brought to the notice of all concerned."

Finding that some of the applicants were being refused compensatory leave/holidays in their balance account available to them in the light of the order at Annexure-A4, applicant-1 made a representation to respondent -2 dated 30.11.1994 as at Annexure-A5 seeking to know under which rule the office order dated 26.11.1994 had been passed and also enquiring whether the said office order would deny enjoyment of compensatory leave/holidays by the officers concerned who had to their credit compensatory leave/holidays credited pursuant to the office order dated 25.6.1994 (Annexure-A2) and further enquiring whether the office order dated 26.11.1994 would have prospective effect only. It is stated that similar representations making queries were sent to R-1 by the aggrieved persons, one sample representation being available at Annexure-A6. No reply was given to these representations by respondent-2. The first applicant and 2 others who were applicants in O.A.

-6-

Page - 13

OFFICE ORDER

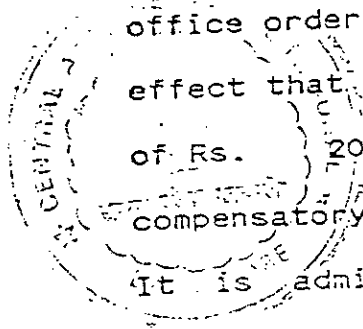
In pursuance of Council's letter No.2(2)/86 W.S. dated 11.4.94, it has been decided to grant compensatory leave to those technical, auxiliary and supporting staff (except watchman) who have performed extra hours of work between 1-4-1988 and 30-9-1990. The entitlement of compensatory leave to individual staff is mentioned at Annexure I to IV.

As per rules/instructions governing grant of CH, not more than 2 days leave can be granted at a time and it has to be availed within a month of performance of extra duty. However, considering the special circumstances in this case, Council has decided to dispense with the aforesaid provision of the rules/instructions. The interested staff members can avail the compensatory leave to their entitlement within a period of one year from 1.7.1994 and it will not be allowed to be carried over beyond 30.6.1995 under any circumstances.

Annexures to this order show the names of the officials entitled to compensatory leave/holidays in the establishment of respondent-2 and the number of days of compensatory leave/holidays to which they were entitled to. The applicants herein contend that almost all of them, except two, availed themselves of the compensatory leave/holidays at their credit to some extent and were planning to avail themselves of the balance of leave/holidays in their account in due course of time since they could be availed of before 30.6.1995 as per the order dated 25.6.1994. However, suddenly, respondent-2 issued an office order dated 26.11.1994 (Annexure-A4) which reads as under:

Vall

it came to know of the instructions and guide lines on the subject. It was found that certain categories of staff of respondent-1 were not entitled either for compensatory leave/holidays or for overtime allowance. The Indian Council of Agricultural Research (ICAR) Administrative Manual of Instructions provides for disentitlement of certain categories of staff for availment of compensatory leave/holidays or overtime allowance, and so the office order dated 26.11.1994 available at Annexure-A4 came to be issued. Therein it is provided that Class II Officers in the pay scale of Rs. 2000-3500 and above are not entitled to compensatory leave/holidays and consequently the category of Technical Staff of the Gazetted status T-5 (Technical Officer) and above or of equivalent status are not entitled to grant of compensatory leave/holidays. Since the applicants 2 to 21 are in the category of Technical officers(T-5), they are not entitled for any compensatory leave/holidays. Therefore, they aver, the earlier office order dated 25.6.1994 was modified to the effect that Class II officers drawing the pay scale of Rs. 2000-3500 and above are not entitled to compensatory leave/holiday or overtime allowance. It is admitted by them that after issue of the



[Handwritten signature]

No.151/93 then filed a contempt petition no.59/95 challenging non grant of compensatory leave/holidays by R-1 in pursuance of the office order at Annexure-A4. However, the Tribunal dismissed the contempt petition and gave opportunity to the applicants to ventilate their grievance by filing a separate O.A. Hence this application.

3. I have heard the learned counsel for the applicants and the learned Standing Counsel appearing for the respondents.

4. The grievance of the applicants is that the refusal by respondent-2 to grant compensatory leave/holidays to the applicants 2 to 21 after issue of the office order dated 26.11.1994 is not only arbitrary but is also in violation of the orders of this Tribunal in O.A. No.151/93 as also respondent-2's own office order dated 25.6.1994 available at Annexure-A2 issued in pursuance of the instructions issued by respondent-1 in the letter dated 11.4.1994.

5. The contention of the respondents is that no doubt respondent-2 issued the office order dated 25.6.1994 as At Annexure-A2, but subsequently, when

[Signature]

Institute under the ICAR provide that officers holding gazetted posts are not entitled to overtime allowance or grant of compensatory leave/holidays, the office order dated 26.11.1994 had to be issued and since the applicants 2 to 21 herein are not in the entitled category they cannot be given compensatory leave/holidays. They have further contended that by issuing the said office order dated 26.11.1994 the former officer order dated 25.6.1994 stands modified to the extent indicated by the later office order. In the course of the arguments, learned counsel for the applicants contested these submissions and drew my attention to respondent-2's letter dated 21.6.1995 addressed to the Directors/Project Directors of all the ICAR Research Institutes, etc., in which reference is made to the earlier letter dated 11.4.1994 issued by respondent-1 and stated that it is very clearly mentioned in the letter dated 21.6.1995 (Annexure-A13) that the ICAR, had decided to compensate the affected staff by way of granting compensatory leave as a very special case. He further pointed out that the Council had unilaterally extended the period for availing of the compensatory leave/holidays due to them to 31.12.1995. In these circumstance denial of the benefit of compensatory leave/holidays already



office order dated 26.11.1994. some of the applicants submitted a letter questioning the authority of respondent-2 to issue that order. However, since the office order dated 26.11.1994 was self explanatory and did not need any further clarification, no reply was given to that letter.

6. I have carefully considered the arguments advanced from both sides. I find that the office order dated 25.6.1994 (Annexure-A2), reproduced in paragraph 2 of this order, was issued by respondent-2 in pursuance of the instructions issued by respondent-1, ICAR, in its letter dated 11th April, 1994 addressed to the Directors/Project Directors. etc., of all ICAR Research Institutes/Centres/Project Directorates etc. It is this letter dated 11.4.1994 which conveys instructions about granting of compensatory leave to those technical staff who had performed extra duty during the relevant period. This position is not disputed. It is also not disputed by the respondents that the applicants herein benefited from the office order dated 25.6.1994. Contention of the respondents is that since the instructions as contained in the relevant chapter of the Manual of Administrative instructions applicable to the



therefore decided to have a uniform working hours for various categories of staff. Accordingly information from all the Insttts. etc.. was collected and the issue was discussed in the Directors Conference held on 14th and 15th October, 1987. On the recommendations of the aforesaid conference, uniform working hours for various categories of staff was issued vide letter dated 18.2.1988. To this, a number of representations were received. The Council further examined the case in detail and it was decided to reduce working hours in the case of certain categories of staff. Accordingly, a revised working hours for various categories of staff was issued vide circular of even number dated 21.9.1990. This was given retrospective effect from 18.2.88 to 21.9.1990. After issue of the revised uniform working hours, certain categories of staff represented for compensation for extra hours of duty performed by them during the period 18.2.88 and 21.9.1990 i.e., the date of issue of the first circular and the date of issue of the revised circular. These requests were also considered sympathetically by the Council and it was decided to compensate the affected staff by way of granting compensatory leave, as a very special case. Accordingly, the circular dated 11.4.1994 was circulated to all the Institutes. (emphasis added)

Thus, it will be seen from the background of the case that the Council was very sympathetic to the genuine demands of the employees. Now, some Insttts. employees have again represented to compensate them by way of granting compensation in cash on OTA rates for the extra hours of work done by them during the period 18.2.188 and 21.9.1990. This was examined in detail, and as you are aware, there is no provision for granting cash amount against compensatory leave, as grant of compensatory leave itself is done as a very special case. As such, this request has not been agreed to by the competent authority. (emphasis added)

In view of the positions explained above, it is requested that the concerned staff in your Institute/Centre, etc. may be advised to avail the compensatory leave due to them for the period 18.2.88-21.9.1990 before 31.12.1995 failing which they will have no claim for compensatory leave beyond that date. It is also requested that Compensatory leave may be

[Handwritten signature]

sanctioned to the applicants by the order dated 25.6.1994 issued by respondent-2 by taking recourse to the order dated 26.11.1994 would not only be arbitrary but would also be against the principles of natural justice. Reliance placed by respondent-2 on the order dated 26.11.1994 issued by it for refusing grant of compensatory leave/holidays at the credit of the applicant nos. 2 to 21 without any direction from the ICAR which, as a very special case, had conceded the demand of the staff and allowed grant of compensatory leave/holidays is arbitrary. I am inclined to accept the arguments advanced by the learned counsel for the applicant. The letter dated 21.6.1995 issued by respondent-1 (ICAR) reads as follows:-

"The Directors/PDs of all the ICAR Res. Institutes etc.

Subject:- Rationalization of working hours for various categories of staff in the Institutes etc.-Compensation for performing extra hours of duties - reg.

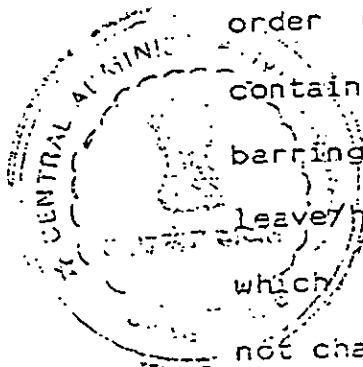
Ref:- ICAR letters of even no. dated 18.2.86, 21.9.90 and 11.4.1994.

Sir,

As you are aware, the Institutes/Res. Labs./Centres etc. under the ICAR were having different working hours for different categories of staff prior to the issuance of the circular dated 18.2.1989. It was

vel

office order dated 23.6.1994 (Annexure-A2), in pursuance of the instructions received from respondent-1 (ICAR), specifying the number of compensatory holidays to which each and every official was entitled to, the orders which stand incorporated in the Manual prohibiting grant of overtime allowance or compensatory leave/holidays to those holding positions which are said to be in the gazetted grade ^{or} for any other reason cannot be invoked because the ICAR had given the benefit in question to the officials as a very special case. It is also of interest to mention here that on the 10th May, 1995, the Central Plantation Crops Research Institute, Kasargod, which is also one of the Research Institutes under respondent-1 and governed by the instructions issued by the latter, had issued an office order which permits the Technical officers (T-5) and above of the Institute to avail compensatory holidays available at their credit in lieu of the extra hours of duty performed by them during the period from 24.2.1988 to 3.10.1990. Certainly, this order makes the position very clear that the provisions contained in the ICAR Manual of Instructions as regards barring entitlement to overtime or compensatory ^{in respect of the gazetted category} leave/holidays have not been reckoned. The said order which was produced by the counsel for the applicant and not challenged by the counsel for the respondents, is reproduced below:-



[Handwritten signature]

granted to the concerned staff members as and when they request for the same during the above mentioned period, so that the long pending issue could be settled once for all.

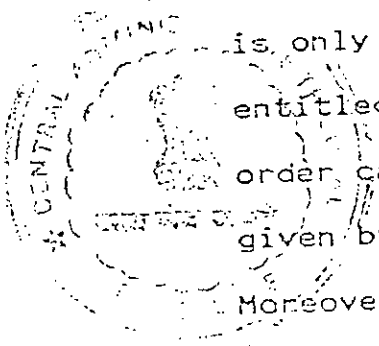
Receipt of this letter may please be acknowledged."

Thus, in June, 1995 very much after issue of the office order dated 26.11.1994 by respondent-2 the ICAR had very clearly stated that the decision to allow compensatory leave/holidays was taken by it as a very special case. When respondent-1 states clearly as in the letter dated 21st June, 1995 that the decision to allow grant of compensatory leave/holidays to all those who had put in extra hours of work during the relevant period was taken as a very special case, it would mean that respondent had consciously decided not to take into account the orders contained in the Manual referred to earlier as regards non-entitlement of overtime allowance or compensatory leave/holidays for certain categories of employees. It was a special situation which called for a special dispensation. Hence as a "very special case" the decision referred to above was taken by the ICAR and was also implemented by respondent-2 vide the office order dated 25.6.1994. It is pertinent again to point out at this stage that the Manual is nothing but a compilation of orders issued from time to time. The authority issuing the orders as contained in the Manual has also the powers to relax/withdraw/modify the contents of such orders. Such a power cannot be disputed. Therefore, when respondent-1 issued the

vee

Institute, only confirms that in relaxation of the orders contained in the Manual a special dispensation had been given to all irrespective of their status. Therefore, denial of the compensatory leave/holidays at the credit of applicants 2 to 21 by invoking the office order dated 26.11.1994 cannot be upheld.

7. Further, the contention of the respondents that the office order dated 26.11.1994 (Annexure-A4) modified the contents of the office order dated 25.6.1994 (Annexure-A2) cannot be accepted. There is no mention in the office order dated 26.11.1994 about the earlier office order dated 25.6.1994 either by way of reference or by a statement that it supersedes the former in certain respects. In this view of the matter it can be only construed that the office order dated 26.11.1994 (Annexure-A4) makes it clear that "as per rules" Cl.II officers of the category of technical staff of gazetted status T-5(Technical Officers) in the pay scale of Rs.2000-3500 or above or of equivalent status shall not be eligible to any compensatory holidays. It is only a statement that such employees would not be entitled to compensatory holidays but the said office order cannot overrule the very special dispensation given by respondent-1 under whom respondent-2 functions. Moreover, the office order dated 25.6.1994 having conferred a vested right in the applicants 2 to 21, the



[Handwritten signature]

OFFICE ORDER

Ref: Circular No.7(41)/85-Estt.
dated 7.2.94.

Director has been pleased to permit the Technical Officers (T5 and above) of this Institute to avail CH available at their credit in lieu of the extra hours of duty performed by them during the period from 24.2.88 to 3.10.90.

The technical officers shall be allowed to avail CH on the following conditions:

- 1) The CH shall be availed within two years from the date of issue of this order.
- 2) The CH shall be availed only with the prior approval of the competent authority viz. Head, Regional Station, Scientist Incharge, Research Centre, Head of Division/Incharge of Disciplines/Sections as the case may be.
- 3) The Head, Research Station, Scientist incharge, Research Centre, HD/SIC of Disciplines/Sections etc. shall permit the Technical Officers to avail CH keeping in mind the exigencies of work in the Station/Centre/Division/Section concerned.
- 4) Permission to avail CH should be considered in such a way that work in their Station does not suffer.
- 5) Applications for extension of period of CH should not be entertained. On expiry of the period of CH already granted, the incumbent should report for duty.
- 6) Application for CH on M.C. shall not be entertained.
- 7) Proper account of the CH availed shall be maintained by the Division concerned."

Certainly, different Institutes under respondent-1. ICAR, cannot adopt different norms in this matter. In any case, the letter of respondent-1 dated 21.6.1993 issued after issue of the order of the Kasargod

DR

of the applicants can be utilised by the applicants upto 31st December, 1996. Accordingly, I direct respondent-2 to issue an office order within 15 days from the date of receipt of a copy of this order. I do not consider it necessary to quash the order dated 26.11.1994 (Annexure-A4) as it only seems to state the provisions contained in the Manual. In any case that office order cannot stand in the way of the applicants 2 to 21 from availing themselves of the compensatory leave/holidays at their credit.

9. This application stands disposed of accordingly. No costs.

(T.V. RAHMAN)
MEMBER(A)

mr.

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

TC VP

office order dated 26.11.1994 cannot be invoked by the respondents to take away that right without observing the principles of natural justice. In State of Orissa Vs. Dr. (Miss) Binapani Dei, AIR 1967 SC 1269, the Supreme Court has held that even administrative orders which involve civil consequences have to be passed consistently with the rules of natural justice. To repeat, denial of the benefit of compensatory holidays/leave already allowed to the credit of the applicants 2 to 21 as per the office order dated 25.6.1994 under the pretext of the office order dated 26.11.1994 cannot be upheld because the former office order is still a valid order.

8. In view of the foregoing, I hold that the applicants are entitled to avail themselves of the compensatory leave/holidays at their credit on the date of issue of the office order dated 26.11.1994 (Annexure-A4). Since the office order dated 25.6.1994 (Annexure-A2) places the outer limit as 30.6.1995 for availing of compensatory leave/holidays and since the applicants have not been in a position to make use of the compensatory leave/holidays between the issue of the order dated 26.11.1994 and 30.6.1995, it is but just that a direction is given to respondent-2 that it should issue an office order in continuation of the order at Annexure-A2 that the compensatory holidays at the credit

DPD

Page. 20
Ans 5

INDIAN INSTITUTE OF HORTICULTURAL RESEARCH
(I.C.A.R.)
Hessuraghatta Lake Post, Bangalore -89

F.No.18-70/95.Adm/

Date: May, 96

OFFICE ORDER

In pursuance of Hon'ble Central Administrative Tribunal's order in OA No.1645/95 and 1713-32 of 1995, the following Technical Officers of IIHR are permitted to avail the compensatory holiday at their credit (as indicated against their names). The said compensatory holiday should be availed by the individuals on or before 31-12-1996 and no extension of time will be granted under any circumstances.

No.of days at credit

1. Shri P.B.Gadddagimath, T-6 (Tech.Officer)	-	118
2. Shri B.L.Kashinath, T-5 (T.O.)	-	140
3. Shri G.L.Pattar, T-5 (T.O.)	-	109
4. Shri S.A.Sreedhara,	-do-	62
5. Shri H.L.Jayaram,	-do-	61
6. Shri Robert Lewis,	-do-	101
7. Shri B.Prakash,	-do-	108
8. Shri Tapas Kumar Roy	-do-	105
9. Shri C.S.Bujji Babu	-do-	128
10. Shri D.L.Shetty,	-do-	84
11. Shri Munirathnaiah,	-do-	104
12. Shri S.Basavaraj,	-do-	95
13. Shri T.P.Suresh,	-do-	98
14. Shri K.Ravikumar,	-do-	87
15. Shri N.K.Kacker,	-do-	94
16. Shri Sathyanarayana,	-do-	45
17. Shri M.T.Subbaiah,	-do. CHES Chethalli	127
18. Shri C.S.Patil,	-do- -do-	144

(I.S.YADAV)
DIRECTOR

Distribution:-

1. The above said individuals through their respective Heads of Divisions
 2. The concerned Heads of Divisions at IIHR
 3. The Sr.Scientist & Incharge Head, CHES Chethalli
- TC Dehlu

26

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

O.A.REGD.NO 2888/97

Date: 15.9.97

To Sh. V. Babbarang Rao, Adv,

Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action under Rule 5 (4) will follow.

- 1) How para 8 (iii) (b) is maintained?
- 2) para 10, char particulars to be furnished
- 3) How alternative ruling is maintained?



Sir,

Resubmitted after
complying the above
mentioned queries.

V. M. M.

29.9.97

DEPUTY REGISTRAR (JUDL)



(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD
O.A.NO.1301/97.

Date of Order : 1.10.97

Between:

V.Murali.

... Applicant.

and

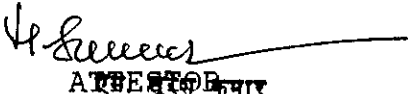
1. Director, National Academy of Agricultural Research Management (NAARM)
Rajendranagar, Hyderabad - 30
2. Director General,
Indian Council of Agricultural Research (ICAR)
Krishi Bhawan, New Delhi-1


REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

I, Dr.J.C.Katyal, S/o.Shri W.C.Katyal aged about 53 years, occupation - Director, NAARM, Hyderabad, resident of Hyderabad do hereby solemnly and sincerely affirm and state as follows:-

I am the Director of the respondent Organization and, hence, I am well acquainted with the facts of the case. I am filing the reply statement on behalf of all the Respondents.

It is submitted that the applicant was appointed as Technical Officer in grade T-5 (Farm Manager) in the pay scale of Rs.2000-3500 in NAARM on 31.12.1984. Subsequently, he was appointed to next higher grade T-6 (Farm Supdt.) in the pay scale of Rs.2200-4000 w.e.f.8.6.90. The applicant was selected to the post of Technical Officer in the grade T-7 (Garden Supdt.) in another ICAR institute, namely, Indian Institute of Horticultural Research, Bangalore and joined duty in the said institute w.e.f.1.9.94. The applicant came back to NAARM Hyderabad on transfer at his own request in the grade of Technical Officer T-7 in the pay scale of Rs.3000-4500. He is now working at NAARM w.e.f 2.9.96 in grade of T-7.


M. SURESH KUMAR,
मुख्य प्रशासनिक अधिकारी
Chief Administrative Officer,
राष्ट्रीय कृषि अनुसंधान प्रबंधन अकादमी
National Academy of Agric. Res. Management
राजेन्द्रनगर, हैदराबाद-500 030,
Rajendranagar, Hyderabad-500 030.


RESPONDENT
निदेशक/DIRECTOR
रा.क.अनु.प्र.अ./NAARM
राजेन्द्रनगर/Rajendranagar
हैदराबाद/HYDERABAD-500 030

It is submitted that the Indian Council of Agricultural Research decided to observe uniform timings for all categories of its employees (including the employees of Research institutes) w.e.f. 21.9.90. The categories of employees functioning in ICAR and its institutes belong to scientific, technical, administrative, auxiliary and supporting category. Since, the working hours of technical and supporting categories were different from those of other categories, the Council decided that the technical and supporting personnel who worked for extra hours of duty between 18.2.88 and 21.9.90 may be compensated by way of granting compensatory leave vide ICAR circular No.2(2)/86-WS, dtd. 11.04.1994 (copy enclosed vide Annexure-R-I.)

It is submitted that since the Council's circular 11.4.94 was silent on the admissibility of compensatory leave to specific grades of technical employees, NAARM had issued the Office Order vide No.2-262/95-Admn.I., 20.12.1996 (copy enclosed vide Annexure-R-II) wherein the technical personnel of all grades who worked extra hours during the period 18.2.88 to 21.9.90 were allowed to avail compensatory leave indicated against their names.

It is submitted that as per the extent rules of Govt. of India followed by the ICAR mutatis-mutandis, the Class-II officers like Asst. Admn. Officers and Technical Officers T-5 and above are not entitled to grant of OTA, compensatory leave/holidays. Therefore, some of the research institutes sought clarification from ICAR whether the Technical Officer (T-5) or above are entitled compensatory leave in lieu of performing extra hours of duties for the period from 18.2.88 to 21.9.90.

M. Suresh Kumar
ATTESTOR

एम. सुरेश कुमार

M. SURESH KUMAR,

मुख्य प्रशासनिक अधिकारी

Chief Administrative Officer,

राष्ट्रीय कृषि अनुसंधान प्रबंध अकादमी

National Academy of Agric. Res. Management

राजेन्द्रनगर, हैदराबाद-500 030.

Rajendranagar, Hyderabad-500 030.

V. K. Kalyan
RESPONDENT

निदेशक/DIRECTOR

रा.क.अनु.प्र.अ./NAARM

राजेन्द्रनगर Rajendranagar

हैदराबाद/HYDERABAD-500 030

It is submitted that the ICAR vide its letter F.No.2(2)86-WS(Pt.II), dtd.31.7.97 (copy enclosed vide Annexure-R-III) clarified that the Technical Officers (T-5) and above are not entitled to any compensatory leave in lieu of performing extra hours of duties during the above period.

It is further submitted that the Council vide its letter F.No.2(2)86-WS(Pt.II), dtd.27.10.97 (copy enclosed vide Annexure-R-IV) informed that after thorough consideration of the representations received from some of the research institutes, it has been decided that the technical employees who were working as T-II-3 and T-4 (Non-gazetted status) during the period from 18.2.88 to 21.9.90, but subsequently, became Technical Officers as T-5 in the scale of Rs.2000-3500 are also entitled to avail the compensatory leave in lieu of performing extra hours of duty during the period from 18.2.88 to 21.9.90 latest by 31.12.98.

It is submitted that the applicant has worked as T-5 from 18.2.88 to 7.6.90 and in grade t-6 (Junior Class-I rank) from 8.6.90 to 21.9.90. Hence, as per the instructions/clarifications issued by ICAR he is not entitled to any compensatory leave in lieu of performing extra hours of duties for the period from 18.2.88 to 21.9.90.

It is submitted that the NAARM has been fully sympathetic to all categories of its employees and granted compensatory leave to all technical personnel prior to the clarification issued by ICAR. Since, the applicant now belongs to the category of a senior Class-I officer, he has been informed by the Academy vide its note F.No.2-262/95-Admn.I, dtd.18.8.97 that he is not entitled for compensatory leave for the extra hours of duty performed by him during the period from 18.2.88 to 21.9.90.


ATTESTOR

एम. सुरेश कुमार

M. SURESH KUMAR,

मुख्य प्रशासनिक अधिकारी

Chief Administrative Officer,

राष्ट्रीय कृषि अनुसंधान प्रशिक्षण अकादमी

National Institute of Agril. Res. Management

राजेंद्र नगर, बाराबंकी-500 030.

Barabanki, U.P. - 225003.


RESPONDENT

निदेशक/DIRECTOR

रा.क.अनु.प्र.अ./NAARM

राजेंद्र-नगर Rajendranagar

हेदराबाद/HYDRABAD-500 030

With due respect to the honorable Central Administrative Tribunal, Bangalore Bench, it is submitted that the honorable Tribunal had passed orders on 18.4.96 when there were no clear orders about the grant of compensatory leave to technical officers holding the positions equivalent to gazetted officers i.e. T-5 and above. After receiving the ICAR instructions vide its letter dtd.31.7.97, the applicant is not eligible to claim the compensatory leave as a matter of right. In fact, the ICAR has been very considerate towards its employees and that is why they have decided vide its letter dtd.27.10.97 that the technical employees who were working as T-II-3 and T-4 during the period from 18.2.88 to 21.9.90 but subsequently, became Technical Officers as T-5 in the scale of Rs.2000-3500 are also entitled to avail the compensatory leave in lieu of performing extra hours of duty during the above period. The applicant does not fulfil even the above conditions, as he joined NAARM as T-5 initially by direct recruitment.

For the reasons stated above, it is submitted that the applicant is not entitled to the benefit of compensatory leave sought for by him. It is therefore, prayed that this honorable Tribunal be pleased to dismiss this O.A. as having no merit with costs and pass such other and further orders as this honorable Tribunal may deem it fit and proper in the circumstances of the case.

[Signature]
ATTESTOR
M. SURESH KUMAR,

मुख्य प्रशासनिक अधिकारी
Chief Administrative Officer,

राष्ट्रीय कृषि अनुसंधान प्रबंध अकादमी
National Academy of Agricultural Management

VERIFICATION

I, *[Signature]* Dr. J. C. Kalyal, do hereby solemnly affirm and state that the contents of the above counter affidavit are true and correct to the best of my knowledge, belief and information and, hence, verified the same at Hyderabad on this the 9th day of Dec. 1997.

[Signature]
ATTESTOR
M. SURESH KUMAR,

मुख्य प्रशासनिक अधिकारी
Chief Administrative Officer,

राष्ट्रीय कृषि अनुसंधान प्रबंध अकादमी
National Academy of Agricultural Management,
राजेन्द्रनगर-500 030,
Hyderabad-500 030.

[Signature]
RESPONDENT

निदेशक/DIRECTOR

रा.क.अनु.प्र.अ./NAARM

राजेन्द्रनगर/Rajendranagar

हैदराबाद/HYDERABAD-500 030

[Signature]
RESPONDENT

निदेशक/DIRECTOR

रा.क.अनु.प्र.अ./NAARM

राजेन्द्रनगर/Rajendranagar

हैदराबाद/HYDERABAD-500 030

Contd. from prepage:

rules/instructions governing grant of compensatory leave, not more than 2 days leave can be granted at a time and it has to be availed within a month of performance of extra duty. But keeping in view the special circumstances in this case and in order to maintain uniformity in all the institutions etc. it has been decided, as a special case, to dispense with the aforesaid provision of the rules/instructions.

Yours faithfully,

(Signature)

(K.K. BAJPAI)
DEPUTY SECRETARY (I.A.)

6/4/1984

TC

Manmou

Amexkurs - RT

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
NEW DELHI - 110001

F.No. 2(2)/86-W.S.

Dated the 11th April, 1994

To

The Directors/Project Directors etc. of all
ICAR Research Institutes/Centres/Project
Directorates, etc.

Subject: Rationalisation of working hours for various
categories of staff in the Institutes etc.-
Compensation for performing extra hours of
duties - reg.

Ref.: ICAR letters of even number dated 18.2.1988 and
21.9.1990.

Sir,

The question of rationalisation of working hours
for various categories of staff in the ICAR Research
Institutes/Labs./Centres etc. was discussed in the Directors'
Conference held on 14th and 15th October, 1987. On the basis
of its recommendations, the Council vide its letter of even
number dated 18.2.1988 had issued orders fixing working hours
of different categories of staff in the Institutes/Labs. etc.
The working hours of Technical and Supporting Staff at Farm,
field and Workshop were fixed at 8 hours per day (excluding
lunch hours). A number of representations were received
against the enhanced working hours of Technical and
Supporting Staff at Farm, field and Workshop. The matter
was, therefore, re-examined and the Council vide its letter
of even number dated 21.9.1990 issued revised working hours.

2. After the issue of the revised working hours a number
of representations have been received for grant of compensation
by grant of either compensatory leave or OIA to such of the
employees who had put in extra working hours between the
period from 18.2.1988 to 21.9.1990.

3. The matter has been carefully considered and it
has been decided to grant Compensatory Leave to those
Technical Staff who have performed extra duty between
18.2.1988 and 21.9.1990. It is further added that as per

.....2/-

(32)
Annexure - 2-11

NATIONAL ACADEMY OF AGRICULTURAL RESEARCH MANAGEMENT
Rajendranagar : Hyderabad 500 030

No.2-262/95-Admn.I/
20th December, 96

Office Order

In pursuance of Council's letter No.2(2)/86-WS dated 11.04.94, it has been decided to grant compensatory leave to those technical staff who have performed extra hours of work between 18.02.1988 to 21.09.1990. The entitlement of compensatory leave to individual staff is mentioned below.

- | | | |
|----|--|----------|
| 1> | Shri V.Murali, Garden Superintendent | 164 days |
| 2> | Shri M.A.Basith, Jr.Farm Superintendent | 27 days |
| 3> | Shri K.Rangaswami, Technical Officer | 147 days |
| 4> | Shri B.Veeraiah, Field Assistant | 164 days |
| 5> | Shri Ahire Laxman Mahar, Hort.Tech.Asst. | 163 days |

The interested staff members can avail the compensatory leave to their entitlement upto 31.12.1997. It has also been decided that all the concerned employees may be given compensatory leave in a phased manner, giving more flexibility to the concerned employees in planning their leave programme. However, no further extension will be granted and those who will not avail such leave have no claim for compensation for extra duty performed during the aforesaid period.

It may be added here that a proposal regarding payment of 50% cash compensation for extra hours duty during the aforesaid period is under consideration in the Council.

This has been issued with the approval of the Director.

(M.Suresh Kumar)
Chief Admn.Officer

Distribution:

1. Copy to All concerned.
(through Garden Superintendent)
2. Finance & Accounts Officer
3. Admn.II Section
4. PA to Director

21/1/97

21/1/97

T.C.
W. Suman

on duty
examine
CAO / F.R.D

AI may process
20/6/97

may process
It Director
21/6/97

33
Annex- R-14

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN : NEW DELHI.

F.No.2(2)/86-WS(Pt.-II)

Dated the 31/12 July, 1997.

To

The Directors/Project Directors of all
Research Institutes/Centres etc.

Subject:- Compensatory leave for performing extra hours
of duties-regarding.

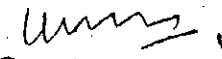
Reference:- I.C.A.R. letter No.2(2)/86-WS(Pt.-I) dated the
19th May, 1997.

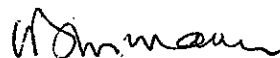
Sir,

Reference is invited to Council's Circular
quoted above where in it was decided that the time limit
for availing the Compensatory leave can't be extended beyond
31.12.97 and should be availed by concerned staff before
31.12.97. Some of the Research Institutes have sought
clarification whether the Technical Officer (T-5 and above)
are entitled to compensatory leave in lieu of performing
extra hours of duties for the period from 18.02.1988 to
21.09.90.

In this regard it may be stated that as per
existing instructions of the Council, Technical Officers
(T-5 and above) are not entitled to any compensatory leave in lieu
of performing extra hours of duties for the period from
18.02.88 to 21.09.90.

Yours faithfully


(G.C. SHARMA)
DEPUTY SECRETARY(S)



On the CA, Hg

O.A. no. 1301 of 97

Reply statement by respondent

Copy to the counsel for the applicant
Sent by post on 10-12-97

V. Minerva



26-2-98 by

V. Minerva

As per order of the Tribunal
12/12/97

345
Amesbury 2-12
36
Most Expedite

INDIAN COUNCIL OF AGRICULTURAL SCIENCES
KRISHI BHAVAN, NEW DELHI, INDIA

F.No.2(2)/86- IS(Pt. II)

Dated the 27th Oct., 97.

To

The Directors/Project Directors of
all Research Institutes

Subject:- Compensatory Leave for performing extra hours of
duties-regarding:

Sir,

Reference is invited to Council's Circular of even number dated the 31st July, 1997 regarding grant of Compensatory Leave to the Technical Officers (T-5 and above) in lieu of performing extra hours of duties during the period from 18.02.88 to 21.09.90. Some of the Research Institutes have now represented that Technical staff who worked in the grades of T-II-3 (Rs.1400-2300) and T-4 (Rs.1640-2900) during the period from 18.02.88 to 21.09.90 and subsequently became Technical Officers as T-5 in the scale of Rs.2000-3500 may be granted the benefit of Compensatory Leave. The matter has been reconsidered in the Council. After thorough consideration, it has been decided that the technical employees who were working as T-II-3 and T-4 during the period from 18.02.88 to 21.09.90 but subsequently became Technical officers as T-5 in the scale of Rs.2000-3500 are also entitled to avail the Compensatory Leave in lieu of performing extra hours of duty during the period from 18.02.88 to 21.09.90. They can avail this leave by 31.12.90. No extension will however, be granted and those who will not avail such leave, have no claim for compensation for extra duty performed during the aforesaid period.

Yours faithfully

(G.C. SHARMA)
DEPUTY SECRETARY(S)

2677
10/11/97
COPY to:-

1. All DDGs/ADGs/Director(P)/Fin./works/DARE.
 2. PPS to DG, ICAR/PS to Secretary, ICAR/PS to FA (DARE)
 3. All Deputy Secretaries/Under Secretaries/DD(P)/DD(Fin.)
 4. All I.A. Sections/Estt.-IV-Section
 5. Secretary, CJSC/Secretary, ICAR Institutes/
Headquarters JSC.
- 7/11/97
10/11/97
10/11/97
10/11/97

35

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1301/97.

Date of Order: 1-10-97

Between:

V.Murali.

.. Applicant.

and

1. Director, National Academy of Agricultural Research Mangament (NAARM)
Rajendra Nagar, Hyderabad-30.
2. Director General,
Indian Council of Agricultural Research (ICAR)
Krishi Bhavan, New Delhi-1.

.. Respondents.

For the Applicant : Mr.V.Prabhakara Rao, Advocate.

For the Respondents: Mr. V.Bhimanna, Addl.CGSC.

CORAM:

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER(ADMN)

The Tribunal made the following Order:-

Heard Mr.V.Prabhaskar Rao for the applicant
and Mr.V.Bhimanna on behalf of the Respondents.

The case is admitted. Respondents to file counter
in 6 weeks.

As an interim measure, the following portion of the
impugned order F.No.2-262/95-Admn.I dt.18-8-97, Annexure-1 to
the OA (Page-7) shall not be acted upon until further orders.

The total leave availab~~le~~ on this account will be
treated as leave of kind due and admissible.


Deputy Registrar(J)CC

O.A. 1301/97.

To

1. The Director, National Academy of Agricultural Research Management (NAARM)
Rajendra Nagar, Hyderabad-30.
2. The Director General,
Indian Council of Agricultural Research (ICAR)
Krishi Bhavan, New Delhi-1.
3. One copy to Mr. V.Prabhakara Rao, Advocate, CAT.Hyd.
4. One copy to Mr.V.Bhimanna, Addl.CGSC. CAT.Hyd.
5. One spare copy.

pvm

I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE.
VICE-CHAIRMAN

And

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)

DATED:-

11/10/97

ORDER/JUDGMENT.

M.A.,/RA.,/C-A.No..

in

O.A.No. 1301/97.

T.A.No.

(W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No. order as to costs.

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal नियन्त्रण/DESPATCH OCT 1997 हैदराबाद न्यायपीठ HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No.1301/97

--

Date of decision: 19.5.1998

Between:

V. Murali. .. Applicant.

and

1. Director, National Academy of Agri-
cultural Research Management (NAARM),
Rajendra Nagar, Hyderabad - 500030.

2. Director General, Indian Council of
Agricultural Research (ICAR),
Krishi Bhavan, New Delhi 110 001. Respondents.

Counsel for the applicant: Sri V.Prabhakara Rao.

Counsel for the respondents: Sri V.Bhimanna.

JUDGMENT.

(by Hon'ble Sri H.Rajendra Prasad, Member (A))

Heard Sri V.Prabhakara Rao for the applicant and
Sri V.Bhimanna for the respondents.

The applicant was appointed as Farm Manager (T-5 Cadre)
in December, 1984. In April, 1994, ICAR decided, consequent on
rationalisation of working-hours for various categories of staff
in the institute, to grant Compensatory Leave to those technical
staff who had performed extra duty between 18-2-1988 and 21.9.1990.
Based on this decision, an office order was issued on 20.12.1996
indicating that the applicant had become entitled to the grant of
compensatory leave to the extent of 164 days. Compensatory Leave

Q6/55

so determined was to be availed of before 31.12.1997. In July, 1997, the Council clarified that Technical Officers (T-5 and above) were not entitled to any compensatory leave in lieu of duty performed by them during the said period. It was further clarified in October, 1997, that only those technical staff who worked in the grades of T-2, 3 and 4 during the said period, but had subsequently become technical Officers (T-5), were entitled to Compensatory Leave.

Meanwhile, ^{the} Bangalore Bench of this Tribunal vide its orders dated 18-4-1996 in O.A. 1645/95 and 1713 to 1732/95 directed the Indian Institute of Horticulture Research, Bangalore, to issue an order granting compensatory leave to the applicants in those O.As.


It would appear that the applicant in this O.A. simply applied for and proceeded on compensatory leave from 14-7-1997, probably assuming that the compensatory leave would ^{automatically} be sanctioned and proceeded thereupon to avail of the leave without waiting for its sanction. This is apparent from para 6.3 and the contents of Annexure-1 to O.A.

The position is quite clear in the present case. According to a policy-decision of the ICAR, Officers of T-5 and above are not eligible for compensatory leave. The applicant, being in T-5, would not therefore be covered by the initial decision regarding grant of compensatory leave, nor is it his case that he was in T-II or III or IV during

8/11

18-2-1988 to 21.9.1990, having been appointed directly as
Technical Officer in T-5^{grade} in December, 1984. He is thus
not covered by the eligibility criteria for the grant of
compensatory leave. The judgment of the Bangalore Bench
of this Tribunal, on which the applicant relies, was passed
in April, 1996, whereas the decision of the Council regarding
grant of compensatory leave to officers upto T-4 grade
was taken in 1997. The directions of the Bangalore Bench
in the said O.As., would not, therefore, be applicable
to the present case since the facts and grounds in those
O.As. were not quite similar to the present O.A.
Under the circumstances, it is not found possible to grant
the prayer of the applicant or to direct the respondents
to grant compensatory leave to him. Regarding the
encashment of leave, which is also prayed for as an
alternative to grant of compensatory leave, the same is
not permissible as clarified in a recent circular of ICAR,
according to which no officer can be compensated in cash.

There is no merit in the O.A., and the same is
disallowed.


H. RAJENDRA PRASAD,
MEMBER (A)

Date of decision: 19 MAY 98

MD/sss.

18598
DNO

O.A. 1301/97

To

1. The Director, National Academy
of Agricultural Research Management
(NAARM). Rajendra Nagar
Hyderabad-030
2. The Director General, Indian Council of
Agricultural Research (ICAR)
Krishi Bhavan, New Delhi-1.
3. One copy to Mr.V.Prabhakara Rao, Advocate, CAT.Hyd.
4. One copy to Mr. V.Bhimanna, Addl.CGSC. CAT.Hyd.
5. One copy to Mr.HHRP.M.(A) CAT.Hyd.
6. One copy to DR(A) CAT.Hyd.
7. One spare copy.

pvm.

10/6/98

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

AND VICE-CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 19-5-1998.

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No.

1301/97

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH

127 MAY 1998

Despatch 7

विभाग/IAAPPAL SECTION