

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 711/99

DATE OF ORDER : 5.2.2001

Between:-

Dr.Ch.Kesava Rao

...Applicant

And

1. Union of India,
Through its Secretary,
M/o Science & Technology,
Central Secretariat,
New Delhi-110 001.
2. The President,
The Council of Scientific & Industrial Research,
Rafi Marg, New Delhi-110 001.
3. The Director General,
The Council of Scientific & Industrial Research,
Rafi Marg, New Delhi-110 001.
4. The Director,
National Institute of Oceanography,
Dona Paula, Goa-403 004.
5. The Scientist-in-Charge,
Regional Centre of National Institute of Oceanography,
176, Lawson's Bay Colony, Visakhapatnam-530 017.

...Respondents

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Counsel for the Applicant : Shri B.Prayaga Murthy

Counsel for the Respondents : Shri C.B.Desai, SC for CSIR

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CORAM:

THE HON'BLE JUSTICE SHRI V.RAJAGOPALA REDDY : VICE-CHAIRMAN

THE HON'BLE SHRI M.V.NATARAJAN : MEMBER (A)

(Order per Hon'ble Justice Shri V.Rajagopala Reddy, VC).

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(Order per Hon'ble Justice Shri V.Rajagopala Reddy, VC).

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The applicant has been appointed as Junior Research Fellow (JRF for short) in The Council of Scientific & Industrial Research (CSIR for short) in 1980. The case of the applicant is that since then he was working with CSIR with intermittent breaks and that ~~and~~ he has put in nearly 15 years of service and hence he is entitled for absorption in the CSIR on regular basis as per the scheme of 1997. Placing reliance upon this scheme, the applicant made several representations for absorption but the respondents had rejected his claim for absorption. Hence this O.A.

2. The case is contested by filing reply wherein it is averred that the applicant had not completed 15 years of service with CSIR to get the benefits under the scheme of absorption. ^{in order} ^{even though} He had only completed 13 years, ~~however~~ with break of 4 years in between. Hence he was not entitled for the benefit under the scheme for absorption.

3. We have given careful consideration for the arguments advanced by the learned counsel on either side. It is not in dispute that the applicant has been appointed in 1980 and continued to work as Junior Research Fellow and as Senior Research Fellow till 31.5.1985. Thereafter he left the organisation and joined other organisations viz., Andhra University, Waltair where he worked as Pool Officer. Thereafter he joined in the Regional Centre of National Institute of Oceanography in 1989. Thus from 1985 he was not with the CSIR, ^{then} ^{When} ~~From July, 1989 he has been~~

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continuously working with CSIR ~~till~~ his services were terminated ^{the expiry} on ~~ending~~ of his contract period on 18.4.1999. According to the respondents the applicant had not worked with them from 1.6.1985 to 27.7.1989 during which period he worked in Veco Pharma Pvt. Limited, Vizag and in a Junior College in A.P. and Andhra University Waltair in three different spells. Only thereafter he continued to work with CSIR till he was removed on 18.4.1999. Thus taking into ^{his self} consideration the submissions made by the applicant, the applicant had not worked for 15 years continuously with the CSIR which is / the pre-requisite for absorption under the scheme. Considering the representation made by the applicant, the respondents in their letter dated 1.4.1999 had stated that the Committee did not recommend his name for interview for absorption as he did not fall under the criteria of 15 years continuous service as CSIR Research Worker. //Counsel for the applicant contends that as he was appointed as Fellow Scientist on 16.4.1996 under Quick Hire Scheme and completed probation, he was entitled to continue as he was ~~appointed on~~ permanent basis. But the order of appointment itself shows that the above appointment ^{was} for a period not exceeding three years, the applicant was removed after completion of three years of service after he was appointed in 16.4.1996. Thus we ~~do~~ not find any infirmity in the order of removal. //Thus we find that the applicant is not entitled strictly in accordance with the scheme for absorption. However as it is now brought to our notice that the period of 15 years of continuous service could be relaxed by the Director General of CSIR in appropriate cases, on a representation made by the applicant in this regard, If a representation is so made by the applicant within a period of 3 weeks from today.

then the respondents are directed to consider such representation for relaxation taking a lenient view in the matter since the applicant has been associated with CSIR from 1980 though with intermittent breaks of service, within a period of three months from the date of filing the representation.

4. The O.A. is accordingly disposed of with no order as to costs.

K. Venkatesan
(M.V. NATARAJAN)
Member (A)

Ambrinilandy
(V.RAJAGOPALA REDDY)
Vice-Chairman

Dated: 5th February, 2001.
Dictated in Open Court.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYD BENCH: HYDERABAD

COPY TO

1ST AND 2ND COURT

1. HVRGJ

TYPED BY : CHECKED BY :
COMPARED BY : APPROVED BY :

2. HONORABLE JUDGE (JUDG)

3. HON. MEMBER : (ADMIN)

THE HON'BLE MR JUSTICE V.RAJA GOPAL REDDY
VICE-CHIEF JUDGE

4. D.T. (ADMIN)

THE HON'BLE MR B.S.DAI RAMTECHWAR
MEMBER (JUDGE)

5. SPARE

THE HON'BLE MR N.V.NATARAJAN
MEMBER : (ADMIN)

6. ADV. CATE

7. STANDING COUNSEL

DATE OF ORDER: 5/2/2001

MR/PA/CP.NC:

IN

CA. NO: 7.11/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

RE. P. CLOSED

3.4. CLOSED

DISP S.O. F WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

LB Cops

केन्द्रीय व्यासनिक विकारण
Central Administrative Tribunal
प्रेषण / DESPATCH

13 FEB 2001

हृदरावाह न्यायपीट
HYDERABAD BENCH