

OAs.No.742-808/2013, 921/13, 1109/13, 1414/13
438/14, 460/14 & 549/2014/CAT/Bangalore Bench

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATIONS NO.742-808/2013, 921-956/2013, 1109-1173/2013, 1414-1451/2013, 438-441/2014, 460-463/2014 & 549-581/2014

DATED THIS THE 4th DAY OF JULY, 2017

HON'BLE JUSTICE SHRI HARUN UL RASHID, MEMBER (J)

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

(In OA.No.742-808/2013)

1. Dr.S.Raje Urs
Son of late Siddaraje Urs
Aged about 63 years
Earlier working as Director
Central Silk Board, Bangalore
Since retired and residing at
No.535, 2A Main, 16A Cross
HSR Layout, 6th Sector
Bangalore-560 102.
2. Dr.Chandrashekharaiyah
Son of late Kale Gowda
Aged about 65 years
Earlier working as Joint Director
Central Silk Board, Bangalore
Since retired and residing at
No.595, 1st Cross, Kempegowda Layout
3rd Phase, Banashankari 3rd Stage
Bangalore-560 085.
3. Dr.Amitabha Sarkar
D/o Ashok Kumar Sarkar
Aged about 66 years
Earlier working as Director
Central Silk Board, Bangalore
Since retired and residing at
DG-4, Ittina Sarva Apartments
4th Main, Balaji Extension, Hongasandhra
Bangalore-560 068.
4. Mr.Jayant Jayaswal
Earlier working as Scientist-E
Central Silk Board, Bangalore
#200, Royal Shelters
Devanachikkahalli
Bangalore-560076.
5. Mr.N.M.Biram Saheb
Earlier working as Scientist-D

Central Silk Board, Bangalore
Since retired and residing at
#19, 3rd Floor, 4th Main
Ganganagar Extension, R.T.Nagar Post
Bangalore-560 032.

6. Mr.Syed Samiulla
Earlier working as Scientist-D
Central Silk Board, Bangalore
Since retired and residing at
No.7, Block-7
Shyivashakti Road
Shaktinagar, Mysore-570 029.
7. Dr.W.Damodara Naidu
Retd. Scientist, CSB
205, Legend Apartment
Motilal Nehru Nagar Street No.2
Begumpet, Hyderabad:500016.
8. Dr.H.V.Raju
Earlier working as Scientist-D
Central Silk Board, SCPC, NSSO
CSB, Kunigal, R/at No.1193
II Main, II Stage, Srirampura
Mysore-570 008.
9. Mr.Mallikarjuna
Retired Scientist-D, Central Silk Board
R/at No.259, 9th Cross
18 II Stage, Srirampura
Mysore-570 023.
10. Dr.G.Vemananda Reddy
Retd Scientist-D, Central Silk Board
R/at No.36/2, 3rd Cross
Sarakki Layout, J,P,Nagar
VI Phase, Bangalore.
11. Dr.Ravindra Singh
Retd. Scientist-D, Central Silk Board
#502, Delta Forest Edge Apartment
Off Bannerghata Road
Panduranganagar
Bangalore-560076.
12. Dr.K.L.Rajanna
Retd. Scientist-D, Central Silk Board
R/at No.29, I Cross
Manjunath Layout
Arakere, B.G.Road
Bangalore-560 076.
13. Dr.D.Raghavendra Rao
Working as Scientist-D, SSPC, NSSO

Central Silk Board, Mysore
 # 328 Near Old SBM
 Visweswara Nagar, Mysore.

14. Smt.G.Leeladevi
 Scientist-D, Central Silk Board
 SSPC, NSSO, Mysore.
15. Dr.K.Bhogesha
 Retd. Scientist-D, Central Silk Board
 #728, 3rd Cross Boagadi II
 Mysore-560026.
16. Dr.H.Jagadish Prabhu
 Working as Scientist-D Central Silk Board
 Silkworm Seed Production Centre
 National Silkworm Seed Organisation
 Hosur (T.N.)
 R/at Prathyusha, 3rd Floor
 No.29, Model House
 2nd Street Basavanagudi
 Bangalore-560 004.
17. Mr.Vinod Krishna Rao Harlapur
 Working as Scientist-D, Central Silk Board
 Silkworm Seed Production Centre
 Kanakapura Road, Malavalli
 R/at No.32, Nisarga 4th Main, 9th Cross
 Halanhalli
 Mysore-560 023.
18. Dr.Hiriyanna
 Retd. Scientist-D, Central Silk Board
 R/at No.5, MIG, J Block, Dattagalli
 Ramakrishnagarara, J Block
 Mysore-570 023.
19. Dr.K.Sathya Prasad
 Working as Scientist-D, CSR&TI, Mysore
 #104, Aniketana Road, 2nd Cross(South)
 1st Block, Kuvempu Nagar
 Mysore-570 023.
20. Dr.H.S.Phaniraj
 Working as Scientist-D, Central Silk Board
 Silkworm Seed Production Centre
 NSSO, Opposite Girija Shankara
 Kalyana Mantapa
 Vijayapura-562 135.
21. Smt. T.D.Jyothi
 Working as Scientist-D
 Silkworm Seed Production Centre

National Silkworm Seed Organisation
Central Silk Board
I Stage, BTM Layout, Dollars Scheme
3rd Cross, Madiwala
Bangalore-560 068.
R/at No.96, Nandana, 2nd Main
5th Cross, Soudhamini Layout
Konakunte, Bangalore 560 062.

22.D.Shankara
Working as Scientist-D
Central Silk Board
SSPC, NSSO, Manandavadi Road
Mysore-4 and R/at No.40, Block-4
Madhuvan Layout, Srirampura
II Stage, Mysore-560 023.

23.Dr.Y.V.Ramanjaneyulu
Retd. Scientist-D, Central Silk Board
Residing at No.402, B-5 Residential Enclave
Valagerahalli, Opp:Mylasandra Gate
BM Road, Kengeri, Bangalore-560059.

24.Sri J.Somi Reddy
Working as Scientist-D
National Silkworm Seed Organisation
Central Silk Board
IV Floor, BTM Layout, Madiwala
Bangalore-560 068.
And R/at No.196, Saisiva, 5th Cross
1st Main Road, 2nd Stage Arakere, Mico Layout
B.G.Road, Bangalore 560 035.

25.Dr.M.R.Subrahmanyam
Retd. Scientist-C, Central Silk Board
R/at No.88, Central Silk Board
Layout 22, 4th Cross
Kasavanahalli Kanalli Post
Bangalore-560 035.

26.Smt.H.S.Sarvamangala
Working as Scientist-D
Central Silk Board
Silkworm Seed Production Centre
P.B.No.7, B.M.Road
Ramanagaram-562 159.
R/at No.1334, 23rd main, 25th Cross
Poornaprajna Nagar
Uttarahalli, Bangalore-560 061.

27.N.Jagadeesh
Working as Scientist-D
Central Silk Board
R/at No.61, CSB Layout
Kasavanahalli, Carmelram Post

Bangalore-560 035.

28. Sri. N.Shivashankar
Retired Scientist-C, Central Silk Board
R/at Sriranga Nilaya
4th Cross, 1st Main, 1st Block
Kuvempu Nagar, Tumkur-572 103.
29. Dr.Perumalal Sudhakar
Working as Scientist-D
Central Silk Board
RSRS, CSB, Kodathi
23 Bangalore-560 035.
30. Dr.P.Sudhakara Rao
Working as Scientist-C
Central Silk Board
RSRS,Kodathi, Bangalore-560 035.
31. Dr.K.M.Vijaya Kumari
Working as Scientist-C
Central Silk Board
SSTL, Kodathi
Bangalore-560 035.
32. Smt. K.L.Philomena
Working as Scientist-C
Central Silk Board
RSRS, Kodathi
Bangalore-560 075.
33. Dr.Aravind Kumar Awasthi
Working as Scientist-D
Central Silk Board
Seribiotech Research Laboratory
24 CSB Campus, Kodathi
Sarjapura Road
Carmelram Post
Bangalore-560 035.
34. Sri.M.Mohandas Shanbhogue
Working as Scientist-D
Central Silk Board
Silkworm Seed Production Centre
Ramapura Gate, Kolar Road
Chintamani-573 125.
R/at CSB Staff Quarters
Chintamani-563 125.
35. Dr.R.Dayananda Reddy
Retd. Scientist-D
Central Silk Board
R/at II-161-A-3-41

SBI Colony, Madanapally
Andhra Pradesh.

36. Dr.D.Subba Rao
Retd.Scientist-D
Central Silk Board
#48, 17-4/2, Nagarjuna Nagar Colony
Opp:Health University
Vijayawada-520 008
Andhra Pradesh.

37. Dr.R.N.Prasad
Working as Scientist-D
Central Silk Board
Sericulture Service Centre
LIC Colony, Vijayawada-520 008.

38. Dr.M.V.K.Bhagavanulu
Working as Scientist-C
Central Silk Board
Basic Seed Multication and
Training Centre, ITDA Quarters
Near New Bus Stand
Chennur-504 201.
Residing at C/o.Sri K.K.Reddy
Adarsh Nagar, Opp:New Bus Stand
Chennur-504 201.
Adilabad District. Andhra Pradesh.

39. Dr.Konda Sriprakash
Working as Scientist-C
Central Silk Board
BSM & TC, Rampachodavaram
East Godavari District.
Andhra Pradesh.

40. Dr.R.S.Jaikishan Singh
Working as Scientist-D
BSM &TC, Central Silk Board
Ambikapur, Chattisgarh.

41. Sri.B.V.Sanjeeva Rao
Working as Scientist-D
Central Silk Board
REC Metapally, Karimnagar, Dist-Telangana

42. Sri.M.Subba Rao
Retd. Scientist-D
Central Silk Board
Flat 101, Fort View Apt.
Hyderguda, Attapur
Hyderabad-500 048, Telangana.
C/o.M.Sai Lakshmi
Flat No.101, Fort View Apartments
Near Gnanaprabha School

Hyderguda, Attapur
 Hyderabad-500 048.

43. Dr.Cheenepalli Ravi Shankara
 Working as Scientist-B
 Central Silk Board
 Research Extension Centre
 27, CTR & TI, H.No.11-1-175
 Opp.Kodandarama Temple
 Bhadrachalam-507 111.
 Andhra Pradesh.

44. Dr.V.V.V.S.K.Venu Babu
 Working as Scientist-C
 Central Silk Board
 Research Extension Centre
 CTR & TI, H.No.11-1-175
 Opp.Kodandarama Temple
 Bhadrachalam-507 111.
 Khammam District, Andhra Pradesh
 R/at No.3-1-691B, TTD Cottage Road
 Ranganayakula Gutta
 Bhadrachalam-507 111.
 Khammam District, Andhra Pradesh.

45. Dr.V.Seshu Babu
 Retd. Scientist-C
 Central Silk Board
 R/at Plot No.40, Raghavendra Colony
 Beeramgudda, District Medak, A.P.

46. Dr.P.Deepa
 Working as Scientist-D
 Silkworm Seed Production Centre
 NSSO, Central Silk Board
 Chittor-517 128
 R/III 161-28/1, SBI Colony Extension
 Madanapalle-517 325.

47. Sri.M.Ramesh
 Working as Scientist-D, Central Silk Board
 Silkworm Seed Production Centre
 Near Shivalayam, Nakkaladinne
 Madanapalle-517 325.
 Chittor District, Andhra Pradesh.

48. Dr.M.Venkateshwara Rao
 Retd. Scientist-D
 Central Silk Board
 R/at 14-10-10/9, As Chetty Street
 Near Sub Collectors Bungalow
 Royepete, Narsapur

West Godavari-Dist., AP-534275.

49. Dr.R.Manohar Reddy
Working as Scientist-B
Central Silk Board
P2 Basic Seed Farm, Sudhanagar
Parigi-515 261, Ananthapur District
Andhra Pradesh, R/at Central Silk Board
Quarters, Sudhanagar, Parigi-515 261.
Ananthapur District
Andhra Pradesh.

50. Dr.Madana Mohanan N
Working as Scientist-D
Central Silk Board
SSPC, NSSO, Central Silk Board
Erattayal, Kodumbu P.O.
Pallakad, Kerala-678 551.
R/at SSPC Quarters/IV-1
Erattayal, Kodumbu P.O.
Pallakad, Kerala-678 551.

51. Smt.Jessy Daniel
Working as Scientist-D
Central Silk Board
P2 BSF, Pallatheri P.O.
Pallakad, Kerala State-678 001.

52. K.Sarala
Working as Scientist-D
Central Silk Board
Research Extension Centre
Pallatheri P.O., Palakad-678 007, Kerala State
R/at Aswathy Bhavan
Erattayal Marutharoad
PO. Pallakad-678 007.
Kerala State.

53. Smt. M.Siamala
Working as Scientist-C
SSPC, NSSO, Central Silk Board
Erattayal, Kodumbu P.O.
Pallakad, Kerala-678 551.
Kerala State.

54. Sri.Isac Joseph
Working as Scientist-D
Central Silk Board
REC Sub Unit, Gobi Road
Cheyur P.O., Avinashi
Thiruppur District-641 655.
R/at Kalikaran Parampil
Kizhakkumbhagom P.O: Niranam-Tiruvalla
Kerala State-689 620.

55. Dr.Tomy Philip
 Scientist-C (Retd.)
 CSB R/at.Kandankarry
 Vadakekara, Veroor
 P.O., Changanacherry-686 104
 Kerala.

56. Sri Pijush Kanti Das
 Retired Scientist-D
 Central Silk Board
 #47, CSR&TI, EMP
 Lay Out Srinagar Main Road
 J.P.Nagar, Mysore-570031.

57. Dr.R.S.Katiyar
 Working as Scientist-D
 CSR & TI, Mysore.

58. Dr.Keshvacharyulu
 Retired Scientist-C
 Central Silk Board
 # 1258/2, Muralikonda, Bommuru
 Rajamundry Rural
 East Godavari Dist.
 AP-533124.

59. Dr.R.N.Singh
 Retired Scientist-D
 Central Silk Board
 DT-3, Ittinasarva Apartments
 4th Main Road, Hongasandra
 Bommanahally, Bangalore-560 068.

60. Dr.C.C.Choudhari
 Retired Scientist-D
 Central Silk Board
 DG-3, Ittinasarva Apartments
 Begur Road, 4th Main
 Hongasandra, Bommanahally
 Bangalore-560 068.

61. Sri A.K.Sen
 Retired Scientist-D
 Central Silk Board
 357, Anjali, CSR & TI Layout
 Srinagar, Mysore-570 008.

62. Dr.R.K.Datta
 Retired Director
 Central Silk Board
 #202, 8th Cross, Srirampuram
 2nd Stage, Mysore-570 023.Applicants

(By Advocates Shri.Sudeepa Kumar Pal, Shri.Raghvendra & Shri.Ranganatha Jois)

Vs.

1. The Union of India
Represented by the Secretary to Government
Ministry of Textiles
Udyog Bhawan
New Delhi-110 001.
2. Central Silk Board
(Established by Ministry of Textiles)
Govt. of India
CSB Complex, BTM Layout
Madiyal, Bangalore-560068.
Represented by its Member Secretary & Chief Executive Officer.
3. Department of Science & Technology
Government of India
Technology Bhavan
New Mehrauli Road
New Delhi-110 016.
Represented by its Secretary.
4. Department of Personnel & Training
Ministry of Personnel, Public Grievances & Pensions
Government of India
New Delhi.
Represented by its Secretary.Respondents

(By Advocates Shri M.Vasudeva Rao, Sr.CGSC for R1,3 &4 and Shri.N.S.Prasad for R2)
(In OA No. 921-956/2013)

1. Dr. G. Hariraj
S/o V.K. Gopal,
Aged about 52 years,
Working as Scientist-C,
CSTRI, Central Silk Board, CSB Complex,
BTM Layout, Bangalore.
R/at No. 49, 3rd Cross,
CSB Layout, Kasavanhalli,
Bangalore 560 035.
2. Kariyappa
S/o Chowdaiah,
Aged about 50 years,
Working as Scientist-C,
CSR&TI, Central Silk Board
Srirampra, Mysore,
R/at No. 18 Type-4, CSR&TI Staff

Quarters, JCB Road, Vidyaranyapura,
Mysore – 570 008

3. K.P. Shivakumar
S/o P.N. Purappa,
Aged about 50 years,
Working as Scientist-C
CSR&TI, Central Silk Board
Srirampra, Mysore,
R/at No. 33/44, 32nd Cross,
Raghavendranagar, Near K.V. School,
Mysore 570 011.
4. M.N. Chandra Shekar
S/o M.S. Naryana Rao,
Aged about 49 years,
Working as Scientist-C
CSTRI, Central Silk Board
RSTRS, Kollegal.
R/at No. 846, 6th Main,
2nd Cross, Aravindnagar,
Mysore – 570 023.
5. P. Mathazhagan
S/o M. Ponnusamy,
Aged about 49 years
Working as Scientist-C
CSTRI, Central Silk Board
SCTH, Dharmavarani
R/at No. 3/156, Main Road,
Kolakkadi Post, Trichy Dist,
Tamilnadu – 621 208.
6. Shivkumar B. Murgad
S/o Basavaraj Murgad
Aged about 47 years
Working as Scientist-C
CSTRI, Central Silk Board
Sericulture Complex, Hindupur
R/at Vidyanagar, Annigeri,
Dist Dharwad – 582 201
7. Prakash Y. Naik
S/o Yamanappa Naik,
Aged about 49 years
Working as Scientist-C
CSTRI, Central Silk Board
SCTH, Dharmavaram
R/at No. 336, Aristipathi,
9th Cross, 5th Main,

Vinayak Layout, Nagarbhavi,
Bangalore 560 072.

8. Basavanneppa G. Patil
S/o Gurushidappa Patil,
Aged about 55 years,
Working as Scientist-C,
CSTRI, Central Silk Board, CSB Complex,
3rd Floor, BTM Layout, Bangalore
R/at No. 44 Gangothri,
3rd Cross, Vastu Enclave,
Kudlu, Bangalore 560 068.
9. Jameela Khatoon
D/o Mohammed Syeed Khan,
Aged about 51 years,
Working as Scientist-C,
CSTRI, Central Silk Board, CSB Complex,
BTM Layout, Bangalore
R/at No. 272/B, 37th A Cross,
8th Block, Jaynagar,
Bangalore 560 082.
10. Dr. R.N. Singh
S/o Late S.N. Singh,
Aged about 59 years,
Working as Scientist-C,
R/at No. 74, CSB Layout,
Kasavanahalli, Sarjapur Road,
Bangalore 560 035.
11. Dr. K. Sathyanarayana
Scientist-D
Central Silk Board, CSB Complex,
6th Floor, BTM Layout, Bangalore.
R/at No. E-4, Type-V,
BTM Layout, Madiwala,
Bangalore 560 068.
12. Dr. K. Mohan Rao
Scientist-C(Retd)
R/at No. E-2, Type-V,
Block-1, CSB Staff Quarters,
BTM Layout, Madiwala,
Bangalore 560 068.
13. Dr. Ravindra Singh Teotia
Scientist-D
Central Silk Board, CSB Complex,
5th Floor, BTM Layout, Bangalore-560068.
14. Dr. Amalendu Tikader

Scientist-D (Retd.)
Central Silk Board
R/at #203, Aranya Encalve
Kakapa Layout
11th Main, 3rd Cross, Hongasandra,
Bangalore 560 068.

15.Dr. C.M. Bajpeyi
Scientist-D,
Central Silk Board, CSB Complex,
6th Floor, BTM Layout, Bangalore.

16.Dr.P. Jayarama Raju
Scientist-D,
Central Silk Board, CSB Complex,
6th Floor, BTM Layout, Bangalore.
Adjacent to UAS Layout
Behind Jakkur Flying Club,
Jakkur, Bangalore 560 064.

17.K.S. Gopal
Scientist-D
Central Silk Board, CSB Complex,
1st Floor, BTM Layout, Bangalore.
R/at AS-5/6, Ittina Sarva Apartments,
Hongasandra, Begur Road, Bommanahalli,
Bangalore 560 068.

18.Kiran B. Malali
Working as Scientist-D
CSTRI, Central Silk Board, CSB Complex,
BTM Layout, Bangalore.

19.Mrs. Sridevi Kathari
Scientist-D, CSTRI, Central Silk Board
R/at C-18, Block-7
BTM Layout, CSB Staff Quarters
Hosur Road, Bangalore-560068.

20.Mudakappa R. Itagi
Scientist-C,
CSTRI, Central Silk Board, DCTSC
Rayapura, Dharwad.

21.Mallappa Shirol
Scientist-D
CSTRI, Central Silk Board
Bangalore.

22.S.M. Hukkeri

Scientist-D
CSTRI, Central Silk Board, DCTSC
Rayapura, Dharwad.

23.Sri K. Jaganathan
Working as Scientist-D
CSTRI, Central Silk Board, CSB Complex,
BTM Layout, Bangalore.
R/at D-24, Block-3,
CSB Staff Quarters,
BTM Layout, Madiwala,
Bangalore 560 068.

24.Sri H.H.Shambulingappa
Working as Scientist-D
CSTRI, Central Silk Board, CSB Complex,
BTM Layout, Bangalore.
R/at No. 13, East End D Main Road,
East End, Jayanagar 9th Block,
Bangalore.

25.Sri Basavaraj Herakal
Working as Scientist-C,
CSTRI, Central Silk Board, CSB Complex,
BTM Layout, Bangalore.
R/at No. 70, BTM II Stage,
Tavarkere,
Bangalore 560 079.

26.Dr. Y.C. Radhalakshmi
W/o D. Varadaraju,
Aged about 48 years,
Working as Scientist-C,
CSR&TI, Central Silk Board
Srirampra, Mysore,
R/at No. 1192, New Kanthraj Urs Road,
T.K. Layout,
Mysore 570 026.

27.Sanganna Aminappa Hippargi,
S/o A.S. Hippargi,
Aged about 56 years,
Working as Scientist-C,
CSTRI, Central Silk Board, CSB Complex,
BTM Layout, Bangalore.
R/at H.No. 21, II Cross,
CSB Staff Quarters, Madiwala,
Bangalore 560 068.

28.S.N. Mishra
S/o Bindeshwar Mishra,
Aged about 51 years,

Working as Scientist-C,
CSTRI, Central Silk Board, CSB Complex,
BTM Layout, Bangalore.
R/at CSTRI, 10B,
BTM Layout
Bangalore 560 068.

29.Sh. B.M. Mahadevaiah
S/o Sh. Maleyaiah,
Aged about 49 years,
Working as Scientist-C,
CSTRI, Central Silk Board, CSB Complex,
BTM Layout, Bangalore.
R/at No. 92, Srishyla,
GD Park Extension,
Vyalikaval,
Bangalore 560 003.

30.Dr. Priya Ranjan
S/o Dr. Sudhir Kumar Shrivastava,
Working as Scientist-C,
Central Silk Board, CSB Complex,
1st Floor, BTM Layout,
Central Silk Board, CSB Complex,
BTM Layout, Bangalore
R/at #432, Paramount Sumadhura Apartments,
Manipal County Road, Singasandra,
Bangalore 560 068.

31.H. Rudranna Gowda
S/o Late H. Mallappa,
Aged about 51 years,
Working as Scientist-C,
Central Silk Board, CSB Complex,
1st Floor, BTM Layout, Bangalore
R/at #5301, Nandi Deepa Apartments,
Dodda Kammanhalli Main Road,
Off Bannerghatta Road,
Bangalore 560 076.

32.C. Siva Reddy
S/o Late C. Reddeppa Reddy,
Aged about 57 years,
Working as Scientist-C,
NSSO, Central Silk Board, CSB Complex,
4th Floor, BTM Layout, Bangalore
R/at No. 76, 4th Cross,
CSB Layout, Kasavanahalli,
Off Sarjapur Road,
Bangalore-560 035.

33.Sri Shivakumar B.Murgad
Working as Scientist-D
DCTSC, CSTRI
Central Silk Board
Sericulture Complex
Hindupur.

.... Applicants

(By Advocates Shri.Sudeepa Kumar Pal, Shri.Raghvendra & Shri.Ranganatha Jois)

Vs.

1. Union of India through Ministry of Textiles
Udyog Bhawan, New Delhi
Represented by Secretary
Having his Office at
Udyog Bhawan
New Delhi.

2. Central Silk Board under the Ministry of Textiles
Govt. of India
Having its office at BTM Layout
Madivala
Bangalore-560068.
Represented by its Chief Executive Officer.

3. Department of Science & Technology
Government of India
Technology Bhavan
New Mehrauli Road
New Delhi-110 016.
Represented by its Secretary.

4. Department of Personnel & Training
Ministry of Personnel, Public Grievances & Pensions
Government of India
New Delhi.
Represented by its Secretary.

...Respondents

(By Advocates Shri M.Vasudeva Rao, Sr.CGSC for R1,3 &4 and Shri.N.S.Prasad for R2)

(In OA.No.1109-1173/2013)

1. Dr. K.S. Chandrakanth,
R/at Door No.636, Shantha Gowri Nilaya,
Ashrama Road, Hinkal,
Mysore – 570 017.
2. Dr.T. Mogile,
Scientist-D, CSR&TI

Central Silk Board
Mysore-560008.

3. Dr. Dinesh Datta Sharma
Retd. Scientist-C, CSB
R/at # 36, CSR&TI Layout
Reshmenagar
Srinagar Main Road, Mysore-570 031.
4. Dr. V. Nishitha Naik,
Scientist-D
CSR&TI
Mysore – 570 008.
5. Dr. K.K. Sharmila
Scientist-D
CST&RI, Mysore – 570 008.
6. Dr. S.D. Sharma,
Retd. Scientist-D
CSR&TI, Srirampura,
Mysore – 570 008.
7. Smt. Suma.A.S.
Scientist-D
CSR & TI, Srirampura,
Mysore – 570 008.
8. Smt. Sabitha N
Working as Scientist-D
SSPC, NSSO, CBS
Hunsur Road, K.R.Nagar
Mysore.
9. Sri S.B.Nagaraja
Scientist-D
CSR & TI, Srirampura,
Mysore – 570 008.
10. Sri B.T. Sreenivas
Scientist-D
CSR & TI, Srirampura,
Mysore-08.
11. Sri J.P. Renukeshwarappa,
Retd. Scientist-C, CSB
R/at # 178 Ranganath Nilay
4th Main, LIC Colony, Srirampura
2nd Stage, Mysore – 570 023.

12. Dr.A.R. Narasimha Nayaka,
Scientist-D
CSR & TI, Srirampura,
Mysore-570 008.
13. Dr. Vinod Kumar,
Scientist-D
CSR & TI, Srirampura,
Mysore-570 008.
14. Dr. T. Himanthalraj,
Scientist-D, RSRS
Kodathi, Bangalore-560035.
- 15 Dr. R. Meenal
Scientist-D
RSRS, Chamarajnagar,
Central Silk Board,
Chamrajanagar Dist.
16. Sri.Dasappa,
Scientist-D
CSR & TI, Srirampura,
Mysore-570 008.
17. Dr. V.Girish Naik,
Scientist-D
CSR & TI, Srirampura,
Mysore-570 008.
18. Sri Byrappa Nataraju,
Retd. Scientist-D
CSB, Mysore.
19. Dr. B. Mallikarjuna,
Scientist-D, P2 BSF, CSB
Gavimata.
20. Dr. G. Venkateshwara Prasad,
Scientist-D
REC Sub Unit
Central Silk Board,
Rajaka Street, Pattapeta,
Palamaner – 517 408
Haresamudram Mandal
Ananthapur, A.P.
21. Dr. B. Kasi Reddy,
Scientist-D
Regional Sericultural Research Station
Central Silk Board,
Ananthapuram, A.P:515 001.

22. Sri Mukund V. Kirsur,
Scientist-D
CSR & TI, Srirampura,
Mysore-570008
R/at 370, 7th Cross II Main
Srinivasanagar
BSK I Stage, Bangalore.
23. Dr. V. Gunasekhar,
Scientist-D
CSR & TI, Srirampura,
Mysore – 570008
R/at # 1544, Devanakundi
Main Road, Srirampura II Stage
Mysore.
24. B. Gangadhar,
Scientist-D
CSR & TI, Central Silk Board
Mysore-570 008.
25. Sri Rajashekhar.K
Scientist-D
CSR & TI, Central Silk Board
Mysore-570008.
26. Dr. S.K. Ashwath,
Retd. Scientist-D
CSB, R/at # 276, 19th Cross
21st Main, JP Nagar, 2nd Stage
Mysore – 570 031.
27. Smt.M.G. Sabitha,
Scientist-D
CSR & TI, Srirampura,
Mysore – 570008.
28. Dr.S.N. Pallavi,
Scientist-D, RSRS
CSB, Chamarajanagar
Karnataka.
29. Sri K.C Mahalingappa,
Scientist-D
REC, Sub-Unit,
Kinakahalli-571 412
Kollegal Taluk.
30. Dr.A.Naseema Begum,
Retd. Scientist-D

204, 1st Main, 8th Cross
Srirampura II Stage, Mysore-570 023.

31. Sri N. Mal Reddy,
Scientist-D
CSR & TI, Mysore -570008.
32. Dr.V.N. Sudha,
Retd. Scientist-D
CSB, # 286, Prashanthi
6th Cross, Siddalingeshwara Layout
J.P.Nagar II Stage, Mysore – 08.
33. Sri S.Purushotham
Scientist-D
CSR & TI, Srirampura
Mysore-570 008.
34. Sri P. Rama Mohana Rao,
Retd. Scientist-C
R/at No.230, 8th Cross, 1st Main,
Srirampura, Mysore-570 023.
35. Sri C. Parameshwara,
Scientist-D
CSR & TI, Srirampura
Mysore-570 008.
36. Dr. M. Balavenkata Subbaiah,
Scientist-D
CSR & TI, Srirampura
Mysore-570 008.Applicants

(By Advocates Shri.Sudeepa Kumar Pal, Shri.Raghvendra & Shri.Ranganatha Jois)

Vs.

1. The Union of India,
Represented by its Secretary,
Ministry of Textiles,
Government of India,
New Delhi – 110 001.
2. The Central Silk Board,
Represented by its Member Secretary,
CSB Complex,
BTM Layout, Madiwala,
Bangalore – 560 068.Respondents

(By Advocates Shri M.Vasudeva Rao, Sr.CGSC for R1 and Shri.N.S.Prasad for R2)

(In OA 1414-1451/2013)

1. K.Srikanta Swamy
Working at Regional Sericultural
Research Station,
Chamarajanagar
R/at 509, 18th Cross
R.K.Nagar, G Block, Mysore-23.
2. Dr. M.K. Prithvi Raje Urs
Working as Scientist "D"
P2 BSF, Dharmapura.
3. Dr.N.R.Singhvi
Scientist-D, Central Silk Board
CSB Complex, 6th Floor
BTM Layout, Bangalore.
4. Dr.P.C.Santha,
Scientist "C"
CSRTI, Mysore 570 008.
5. A.J.Karande
Scientist-D
Research Extension Centre
(CSB), VNMKV Campus
Near Library
Parbhani, Maharashtra-430 402.
6. Rahul Singh
Scientist "C"
REC Sub Unit, CSB
Near Surya Motors,
N-2, CIDCO, Aurangabad
Maharashtra-431 006.
7. Dr.G.B.Singh,
Scientist "D"
Research Extension Centre
Indranagar,
Agartala 799 006, Tripura.
8. Sri Ram Vilas Kushwaha,
Scientist-D, Research Extension Centre (CSB)
C/o Govt. Silk Park
Palaphata, Akola Road
Badnera,
Amaravathi 444 705 (Maharashtra).
9. Sri K.Velayudhan
Scientist-D

ESSPC, CSGRC Campus
Hosur-635109
Andhivadi
Thally Road,
Hosur-635110, Tamil Nadu.

10.Sri S.Rajakumar
Scientist-D
Regional Sericultural Research Station,
Central Silk Board,
Allikottai (P.O.), Veeranam Road,
Salem 636 003 (T.N)

11.Smt.C.A.Mary Flora,
Scientist-D, Regional Sericultural Research Station
Central Silk Board
Allikottai (P.O.), Veeranam Road,
Salem 636 003 (T.N)

12.V.Chinnadurai,
Scientist 'C' SSPC,
Central Silk Board
11&12, Industrial Estate
Collectorate Post
Dharmapuri-5 (T.N.)

13.Dr.T.S.Krishnamoorthy,
Scientist-D
P2 BSF, Yelagiri hills,
Mangalam Village Post,
Vellore District – 635 853,
Tamil Nadu State.

14.Dr.Chikkanna,
Retd.Scientist-D
CSB, 39-II Main
3rd Cross, H Block
Ramakrishna Nagar
Mysore-570 022.

15.Sri R.Vijayakumar,
Scientist –C
Regional Sericultural Research Station,
Central Silk Board,
Allikottai (P.O.), Veeranam Road,
Salem 636 003 (T.N)

16.Dr.A.Mahamed Babu,
Scientist D
REC Sub-Unit,
Central Silk Board
Avinashi, Tamil Nadu.

17.Dr.T.Selva Kumar,
 Scientist – D
 Silk Worm Seed Production Centre,
 Opp: Sub-Jail, Hunsur Road,
 NSSC, CSB,
 K.R. Nagar, Mysore-571 602.Applicants

(By Advocates Shri.Sudeepa Kumar Pal, Shri.Raghvendra & Shri.Ranganatha Jois)

Vs.

1. The Union of India,
 Represented by its Secretary,
 Ministry of Textiles,
 Government of India,
 New Delhi – 110 001.
2. The Central Silk Board,
 Represented by its Member Secretary,
 CSB Complex,
 BTM Layout, Madiwala,
 Bangalore – 560 068.

...Respondents

(By Advocates Shri M.Vasudeva Rao, Sr.CGSC for R1 and Shri.N.S.Prasad for R2)

(In OA.No.438-441/2014)

1. Dr.TH.Somashekar,
 S/o. Late K.Hiriyannaiah,
 Aged about 67 years,
 Retired Director of Central Silk Board,
 Bangalore, now R/at Flate No.302,
 KT.Apartments, (Ramalaxman),
 No.90 KL.Road, VV.Puram,
 Bangalore _ 560 004.
2. Bhanu Praksh Raj,
 S/o TR. Srinivas Murthy,
 Aged 57 years,
 Working as Scientist-'C',
 CSTRI, Silk Board,
 Bangalore-560 068

.....Applicants

(By Advocates Shri.Sudeepa Kumar Pal, Shri.Raghvendra & Shri.Ranganatha Jois)

vs.

1. The Union of India,

represented By its Secretary,
Ministry of Textiles,
Government of India,
New Delhi - 110 001

2. The Central Silk Board,
represented By its Member Secretary,
CSB Complext
BTM Layout, Madiwala,
Bangalore _ 560 068

...Respondents

(By Advocates Shri M.Vasudeva Rao, Sr.CGSC for R1 and Shri N.S.Prasad for R2)

(In OA.No.460-463/2014)

1. Sri.Thimareddy G
Scientist-D, CSTRI
Central Silk Board
CSB Complex, BTM Layout
Bangalore-560068.

2. M.G.Mahesh
Scientist-D, CSTRI
Central Silk Board, CSB Complex
BTM Layout
Bangalore-560068.

.... Applicants

(By Advocates Shri.Sudeepa Kumar Pal, Shri.Raghvendra & Shri.Ranganatha Jois)

Vs.

1. The Union of India
Through Ministry of Textiles
Udyog Bhawan, New Delhi
Represented by Secretary
Having his Office at
Udyog Bhawan
New Delhi.

2. Central Silk Board
Under the Ministry of Textiles
Govt. of India
Having its office at BTM Layout
Madivala, Bangalore-560068.
Represented by its Chief Executive Officer.

3. Department of Science & Technology
Government of India
Technology Bhavan

New Mehrauli Road
 New Delhi-110 016.
 Represented by its Secretary.

4. Department of Personnel & Training
 Ministry of Personnel, Public Grievances & Pensions
 Government of India
 New Delhi.
 Represented by its Secretary.Respondents

(By Advocates Shri M.Vasudeva Rao, Sr.CGSC for R1,3 &4 and Shri.N.S.Prasad for R2)
 (In OA.No.549-581/2014)

1. Sri Mohan B
 Working as Scientist-D
 11, CSB Staff Quarters
 Satellite Silkworm Breeding Station
 Cornwall Road Coonoor-1
 Nilgiri Dist, Tamilnadu.
2. Dr. J. Ravikumar
 Working as Scientist-D
 RSRS,Central Silk Board,
 46, Vailkalpattarai,
 Salem – 636003,
3. R. Radhakrishnan
 Retd. Scientist ' C', CSB
 R/at No.29/14, Flat No.B
 Kamadenu Flat
 1st Main Road,
 Thallai Ganga Nagar,
 Chennai – 600061.
4. N. Balachandran
 Working as Scientist-D, CSGRC
 P.O. Box – 44, Thally Road,
 Hosur – 635109.
5. Smt.M. Muthulakshmi
 Working as Scientist-D
 CSGRC, CSB
 P.O. Box No.44, Thally Road,
 Hosur – 635109.
6. Dr. K. Ashok Kumar
 Working as Scientist-D, CSB
 1-8-522/4, Chikkadapally
 Flat No.202, Hyderabad
 Opp: to Chandhana Brothers
 Telangana State.
7. Smt. Anuradha H. Jingade

Working as Scientist-D
CSGRC, Central Silk Board,
P.O. Box – 44, Thally Road,
Hosur – 635109.

8. Shri.Y. Humayun Sharif
Working as Scientist 'C'
Research Extension Centre, Central Silk Board,
Bagalur Main Road, Berigai – 635105
R/at Villa No.99
4th Street, 4th Main, Sai Sruthi Sangamam Adj
Titan Town Ship
Mathigiri, Hosur – 635 110.
9. R. Anbazhagan
Working as Scientist 'C'
REC, Central Silk Board,
Ansari Street,
Udumalpet – 642 126
Tiruppur District, T.N.
10. Dr. K. Chandrasekaran
Scientist-D
REC, Sub Unit
Central Silk Board,
Ansari Street,
Udumalpet – 642126.
Tiruppur District.
11. Dr. P Samuthiravelu
Working as Scientist-D
REC, Central Silk Board,
Ansari Street
Udumalpet – 642126.
12. Dr. C. M. Babu
Scientist D, REC, Central Silk Board
Ansari Street,
Udumalpet – 642126
Tiruppur District
R/at No.5/435 Sriramnagar Part-II,
Sri Ramasamy Nagar,
Udumalpet – 542126.
13. V.K. Ramesh Babu
Working as Scientist 'C'
CSTRI, Central Silk Board,
Madiwala, Bangalore-560068.
14. Smt. P.V. Soudaminy
Pullikkal Scientist 'C'
CSR&TI
Mysore-560008.
15. Dr. V.K. Rahamathulla
Scientist D
Seed Section, Central Silk Board

BTM Layout, Madiwala,
Bangalore – 560068
18, 3rd Block,
BEML Laout, Sreerampura,
Mysore.

16. Joy Naliath John
Scientist D, Training Section
Central Silk Board
BTM Layout, Madiwala
Bangalore-560 068.
17. Sri A.Ganana Kumar Daniel
Working as Scientist-D
REC, Central Silk Board
Kattapulli Nagar
Samayanallur-625402
Madurai, Tamil Nadu
R/at 139, Thiagaraja Colony
Pasumali, Madurai-625004.
18. Sri T.Sivasubramanian
Working as Scientist-D
REC, Central Silk Board
Kattapulli Nagar
Samayanallur-625402
Madurai, Tamil Nadu.
19. Dr.S.Masilamani
Working as Scientist-D
REC, Central Silk Board
Pollupalli Village
Baillanakuppam Post
Krishnagiri District
R/at MIG – 128 A
Avalapalli Hudco, Bagalur Road
Hosur-635109.
20. Mr.Sreenivasa
Working as Scientist C
CSTRI, Central Silk Board
BTM Layout, Madiwala
Bangalore-560 068.
21. Dr.S.R.Ramesh
Retd. Scientist D
Central Silk Board
Thally Road, Hosur-635109
R/at No.33B, 3rd Cross, A-Sector
Amruthnagar, Sahakara Nagar
Post Office, Bangalore-560 092.

22. Smt.P.Saraswathi
Working as Scientist D
CSGRC, Central Silk Board
Thally Road
Hosur-635109
R/at No.155, Herohalli
Vishwaneedam (Post)
Magadi Main Road
Bangalore-560 091.

23. Dr.A.Anand Rao
Retd. Scientist D
C-9 CSGRC, Central Silk Board
Thally Road, Hosur-635109
R/at Central Silk Board Quarters
Hosur-17.

24. Dr. A.Manjula
Ex-Director
CSGRC, Central Silk Board
R/at # 2314
3rd A-Main, II Stage
Vijayanagar, Bangalore-560104.Applicants

(By Advocates Shri.Sudeepta Kumar Pal, Shri.Raghvendra & Shri.Ranganatha Jois)

Vs.

1. The Union of India
Through Ministry of Textiles
Udyog Bhawan, New Delhi
Represented by Secretary
Having his Office at
Udyog Bhawan
New Delhi.
2. Central Silk Board
Under the Ministry of Textiles
Govt. of India
Having its office at BTM Layout
Madivala, Bangalore-560068.
Represented by its Chief Executive Officer.
3. Department of Science & Technology
Government of India
Technology Bhavan
New Mehrauli Road
New Delhi-110 016.
Represented by its Secretary.
4. Department of Personnel & Training
Ministry of Personnel, Public Grievances & Pensions
Government of India

New Delhi.

Represented by its Secretary.

....Respondents

(By Advocates Shri M.Vasudeva Rao, Sr.CGSC for R1,3 &4 and Shri.N.S.Prasad for R2)

ORDER

(PER HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (ADMN))

1. Since the contentions made in all these OAs and the relief sought are similar, all these cases have been taken up together for consideration and passing a common order.

2. The applicants have filed the amended OAs seeking the following relief:
 2. *The rejection common order dated 27.09.2013 passed by the respondents be quashed.*
 3. *The respondents be directed to extend the benefits of FCS w.e.f. 30.07.2001 with all consequential benefits at par with the same & similarly situated persons viz the petitioners in OA.No.75 of 2008.*
 4. *The respondents be directed not to discriminate the petitioners & to extend the same benefits to the petitioners at par with the same & similarly situated persons*

3. The applicants are working as Scientists in the Central Silk Board(CSB) (Respondent No.2) which is a constitutional body under Section 4 of the CSB Act, 1948. The applicants joined the services in the Board as Senior Research Assistants and got promotions from time to time to the posts such as Scientist Grade-C & D and Director etc. While some of them have already retired on attaining the age of superannuation, some are still in service. Following the 5th Pay Commission, Government of India by order dated 9.11.1998 introduced the Flexible Complementing Scheme(FCS) for Scientists and Technologists holding Scientific posts in Scientific and Technological Departments who are engaged in Scientific activities and services. The said order also stipulated that in order to extend the benefits under FCS to other scientific organisations, the administrative

Ministry of such institutions shall satisfy itself that such institutions are scientific and technical institutions and the officers are scientists holding scientific posts and are involved in scientific and technical activities and thereafter make its recommendations to the Department of Science & Technology. On receipt of such a request the Department of Science & Technology shall set up a Committee to examine the proposal and will give recommendation based on which a final decision for extension of FCS shall be taken. Accordingly, the Central Silk Board along with Ministry of Textile made a proposal to the Ministry of Science and Technology for extension of FCS who then constituted an expert committee to examine the question of extension of FCS to the employees of the Board and its Research Institutes. By an OM dated 30.7.2001(Annexure-A3), the Ministry of Science and Technology recommended that the Board and its Research Institutes may be recognised as Scientific and Technological Organisations and FCS may be sanctioned to Scientists working in the Board and its Research Institutes up to the level of Scientists 'F' strictly in conformity with the provisions of the OM dated 9.11.1998. It also recommended that the scale of pay of Director of the Central Sericultural Research & Training Institutes of the Board may be revised at par with the Directors and other National Laboratories/Institutions.

4. According to the applicants, even though based on the recommendation for implementation of FCS, order by the Ministry of Textiles was a mere formality, the respondents slept over the matter and after a delay of five years and one month, issued a communication dated 30.8.3006(Annexure-A4) directing implementation of FCS to the Scientists of the Board w.e.f. 30.8.2006 instead of 9.11.1998 when the scheme was introduced or even from 30.7.2001 when the decision of the Dept. of Science and Technology was communicated to the Ministry of Textiles. The Scientists Union then filed representations before the CSB for implementation of FCS from 1998 but no action was taken in that regard.

Aggrieved by the delay in implementation of FCS and seeking its implementation in the Board w.e.f. 9.11.1998, 16 Scientists filed OA.No.75/2008 before the Patna Bench of the Tribunal. Thereafter vide order dated 13.1.2009, the Patna Bench having circuit sitting at Ranchi allowed the OA and gave direction to the respondents to grant the benefits of FCS to the Scientists working in CSB and its research institutes from 30.7.2001 with all consequential benefits(Annexure-A5). The Central Silk Board then filed Writ Petition No.2503/2009 before the Hon'ble High Court of Jharkhand against the said judgment. The Hon'ble High Court of Jharkhand vide order dated 27.3.2012(Annexure-A6) upheld the order of the Tribunal. Thereafter, the respondents have filed SLP.No.11219/2012 which was also dismissed by the Hon'ble Supreme Court vide order dated 10.4.2013. However, the Hon'ble Apex Court directed to extend the benefits of orders/judgments passed by the CAT and affirmed by the High Court only to those Scientists who were the petitioners in the said OA and respondents before the Hon'ble High Court and Hon'ble Apex Court keeping the points raised by the parties open. Thereafter the present applicants made representations before the authorities concerned for providing the same benefit to them which were rejected by a common order dated 27.9.2013. The said order is under challenge in the present OAs.

5. The applicants have relied upon the judgment of Patna Bench of this Tribunal which was upheld by the Hon'ble High Court of Jharkhand and submitted that the applicants are entitled to similar benefits as allowed to the applicants in OA.75/2008. Hence the respondents be directed to extend the benefits of FCS w.e.f. 30.7.2001 in place of 30.8.2006 to the applicants. In all the OAs, the applicants have filed application for condonation of delay.
6. The respondents have filed their reply statement wherein they mainly harped on

the issue of delay and stated that the Hon'ble Apex Court had clearly indicated that the benefit of FCS shall be extended to only 16 applicants who are part of the said OA.75/2008. Thus it is clear that the cause of action arose in respect of those applicants-Scientists who are not covered by the said Apex Court's order dated 10.4.2013, from 30.8.2006 itself when the FCS was implemented for all the applicants/ Scientists. Since the applicants accepted the benefits from 30.8.2006 without any demur, they cannot at this stage make a ground to seek condonation of delay. Only after the order of the Tribunal in OA.75/2008 dated 13.1.2009, these applicants woke up and started watching further proceedings in the matter and thus started approaching the respondents and also the Tribunal only after the matter attained finality on 10.4.2013. Therefore, the applicants are fence-sitters and are not entitled to any relief by way of condonation of delay. The respondents further submitted that following recommendation of the Dept. of Science & Technology vide its OM dtd. 30.7.2001 to the Ministry of Textiles to recognise the CSB and its Research Institutes as Science & Technology Organisation, the Ministry of Textiles has examined all relevant issues involved including financial implications. A statement indicating the chronology of events from 2001 to 2006 is also enclosed vide Annexure-R2. Based on this recommendations and also on various criteria to be considered in the case, Ministry took a final decision in 2006 and conveyed approval to extend FCS to the Scientists of CSB at the level of Scientist-B, C & D vide their letter dated 30.8.2006. Accordingly promotions under FCS were extended to all the eligible scientists pending approval and acceptance of the Recruitment Rules. Extension of FCS to Scientists can be done only after final order is issued by the Administrative Ministry based on the recommendation of the Dept. of Science & Technology and after considering all the aspects. Therefore, it cannot be allowed with retrospective effect and shall be applicable only from the date of approval by the Government of India after completing all the formalities and getting approval from the Department of Personnel & Training and Ministry of Finance based on

the proposal from the CSB. Therefore, they stated that both on account of delay as well as on merit, the claim of the applicants cannot be considered.

7. Initially when the matter came up before this Tribunal, the OAs were dismissed by an order dated 23.4.2014 on the ground of inordinate delay of 7 years in filing the OA. However, the applicants in WP.No.28639-28693/2014(S-CAT) with connected Writ Petitions moved the Hon'ble High Court of Karnataka against the said order of the Tribunal. The Hon'ble High Court set aside the order of the Tribunal and remanded the matter back to examine the same in the light of the judgment of the Hon'ble High Court. The Hon'ble High Court vide para 11 and 12 of its order dtd.7.4.2016 observed as follows:

11.Whenever any party is confronted with delay, more particularly, when the right of the parties is similar situation is crystallized until the highest Court, the Court or the Tribunal would undertake a wider approach and further examine the delay, objectively keeping in view two aspects: one, is that real cause for the litigation should not be frustrated, but at the same time, one who has slept over the right should not be allowed to earn any undue benefit for the period during which delay has been caused. There are various ways of examining delay keeping in view equitable considerations. Second is that, if the Tribunal is satisfied that there is entitlement as concluded by the highest Court, the Tribunal may further examine as to whether grant of benefit can be considered by excluding the period during which delay has occurred on account of no appropriate action taken by the applicants before the Tribunal. Further, the Tribunal may also consider the aspect as to whether delay should result into throwing away the real cause or not. The Tribunal while balancing both aspects, may exercise judicial discretion by moulding the relief and if required may also award appropriate cost for the respondents by way of compensation for the delay. It is true that by operation of the law of limitation, the right is not taken away, but limitation only bars the remedy. But at the same time, the real cause which otherwise is entitled for relief, should not be allowed to be frustrated and the relief has to be granted, by appropriate moulding of the relief by taking care of interest of both sides

12. In a given case, the Tribunal may find that the right of the parties are substantially altered or that the period of delay has resulted in an reversible situation and it may not be possible for the Tribunal to grant relief, then the Tribunal may decline the application for condonation of delay.

8. When the matter was taken up afresh, the Learned Counsel for the applicants gave a chronological history of the entire matter as outlined in the OA itself and submitted that after the Ministry of Textile issued a notification dated 30.8.2006

conveying approval of the Govt. of India for implementation of FCS to the Scientists of CSB and its research institutes, the Central Silk Board Scientist's Association made representations to the respondents on 10.7.2006, 16.6.2007 and also 14.11.2007 requesting for implementation of FCS to the Scientists of CSB w.e.f. 1998. However, the same was not considered by the respondents. Thereafter, some of the Scientists working at Ranchi filed OA.No.75/2008 and the Tribunal vide order dated 13.1.2009 allowed the OA and directed the respondents to grant benefits of FCS to the scientists working in CSB from 30.7.2001 with all consequential benefits within a period of four months. The said order was a judgment in rem and there was general instruction for implementation of FCS from 30.7.2001 to all the scientists working in CSB. Hence the present applicants had no necessity to approach the Court seeking redressal since the order in OA.No.75/2008 had already made it applicable to all the scientists working in CSB. The order of the Tribunal was also upheld by the Hon'ble High Court of Jharkhand vide its order dated 27.3.2012. Only when the Hon'ble Apex Court vide its order dated 10.4.2013 indicated that the order passed by the Tribunal and affirmed by the High Court shall be limited to those Scientists who were before the Tribunal as the applicants and as the respondents in the Special Leave Petition, the applicants started making representation to the CSB to extend the same benefits to them. After rejection of their representations by a common order, they have approached the Tribunal. Hence, there is no delay in the matter and the respondents' contention that there is delay of 7 years is misconceived.

9. On the issue of merit, Learned Counsel for the applicants submits that the matter has already been considered by the Patna Bench of this Tribunal having Circuit Sitting at Ranchi in detail and it had considered the merit of the contentions of the applicants therein and decided that the CSB and its research institutes should be recognised as Science & Technology organisation w.e.f. 30.7.2001. The Hon'ble

High Court of Jharkhand indicated that mere administrative delay in conferring the said benefits to certain persons cannot be made the basis for making scheme itself effective from a date five year beyond the date of its recognition without any rational and lawful justification. Accordingly, the applicants should be granted similar benefits or else it would amount to two category of employees in the same organisation doing similar work but given different treatment. Learned Counsel also mentioned that Cuttack Bench of this Tribunal in OA.No.959/2013 has also allowed the petitioners therein similar benefits as allowed to the applicants before the Patna Bench of this Tribunal. Since the applicants in the present cases are similarly placed, they are also entitled to the same benefits.

10. The Learned Counsels appearing on behalf of Central Silk Board and Government of India, on the other hand, harped on the issue of delay and submitted that all the applicants have accepted the FCS from 2006 onwards and promotions thereto and did not raise any issue. If they were really aggrieved, they should have approached the Tribunal at that point of time. But they did not do so and hence they are not entitled for any relief. They also mentioned that the Calcutta Bench of the Tribunal had rejected the same cases on account of delay. The respondents have already filed Writ Petition against the order of the Cuttack Bench of the Tribunal. The Principal Bench of the Tribunal has also kept the similar matter pending till the above WP is decided by the Hon'ble High Court of Orissa. They have also referred the order passed by this Tribunal in OA.No.1414/2013 and similar OAs wherein the applicants have challenged the Recruitment Rules 2013 and the orders have referred to the judgment of Patna Bench of the Tribunal. The said OAs were dismissed. They also mentioned that there will be huge financial implications. Hence the applicants are not entitled to any relief.

11. We have carefully considered the facts of the case and submissions made by either side. The main issue that has been raised by the respondents is the inordinate delay in approaching the Tribunal by the applicants. The applicants have referred to several judgments of the Hon'ble Apex Court to highlight the fact that the cause of action arose not from the date of notification for implementing FCS i.e. Aug, 2006 but from the date when order of authority was made on the representation made by the applicants. Further the petitioners could not have come to the Court earlier without any final decision taken by the authority. They have referred to instances where Apex Court has held that delay has to be condoned based on the facts and circumstances of the case. They also highlighted the fact that when relief has been granted to some scientists in the same organisation there cannot be an unequal treatment to persons in the same branch of service and equal in status and functions and all the persons similarly situated should be treated similarly as held by Hon'ble Apex Court. Only because some persons had come to the Court would not mean that these persons should be treated differently. The applicants argued that when the Patna Bench of this Tribunal had granted the relief in general to all scientists, there was no scope for the applicants to approach the Tribunal for the same relief. Only after the Hon'ble Supreme Court limited the relief to the applicants before the Patna Bench of this Tribunal, the applicants approached the authority for extension of similar benefits and when the request was rejected, they have approached the Tribunal. Hence, considering the overall aspects, it cannot be said that there was delay on the part of the applicants in approaching the Tribunal.

12. The respondents have also cited several judgments of the Hon'ble Apex Court on the issue of delay and submit that filing of the OA after a long delay of 7 years deserves to be rejected on the ground of latches alone. As held by the Hon'ble Apex Court in several judgments the repeated representations cannot take away the delay in approaching the Court. Though the normal rule is that when a

particular set of employees is given relief by court, all other identically situated persons should be treated alike by extending same benefit, it will be subject to well-recognised exception in form of laches and delays. Those persons who did not challenge the matter and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, cannot claim that the benefits rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and the laches and delays would be a valid ground to dismiss their claim.

13. The issue of delay in the present cases has also been discussed by the Hon'ble High Court of Karnataka in its order dated 7.4.2016 which has been mentioned in earlier. In the present case, the respondents granted benefits to the applicant in August 2006. Thereafter, as stated by the applicants, the Association of the Scientists submitted representation to the respondent authorities in July 2006, June 2007 and November 2007 for implementation of FCS to the Scientists of CSB w.e.f. 1998. There was no response to the said representation. In the meanwhile some persons went to Patna Bench of this Tribunal which allowed the OA in January 2009 directing the respondents to grant the benefit of FCS to the Scientists working in CSB. The matter was then taken to Hon'ble High Court which upheld the order of the Tribunal in its order passed in March 2012. When the matter was taken to the Hon'ble Apex Court, it passed an order in April, 2013 upholding the order of the Tribunal and the High Court but limiting it to the applicants before that Tribunal. Thereafter, the applicants approached the respondent authority seeking similar benefits as allowed to the applicants before the Ranchi Bench of the Tribunal but the same was rejected by order dated 27.9.2013. Immediately thereafter the applicants approached this Tribunal in the present OA.

14. As would be evident from the above, between the period from January 2009 till the order of the Hon'ble Supreme Court in April, 2013 followed by representation and rejection of the same in Sept., 2013, there was no scope for the applicants to approach the Tribunal. If at all there is a delay, it was limited to the period prior to the order passed by the Tribunal in January, 2009. We note that there were representations of the Scientists to the authority in July, 2006, July, 2007 and Nov., 2007 but the same have not been responded to. Thereafter the applicants could have approached the Tribunal may be some time in 2008. Therefore the delay would only be for the period prior to the judgment passed by the Patna Bench and can be few months only which cannot be termed as inordinate delay. As soon as the Patna Bench passed an order which was in their favour, there was no scope for the applicants to agitate the matter once again because they were already covered by the said order. Therefore, the claim of the respondents that the applicants are fence sitters and approached the Tribunal after a delay of 7 years does not appear to us as justified in the back ground of the above facts. After the order passed by the Tribunal in January 2009, the applicants could not have come to this Tribunal till final order of the Supreme Court which limited the benefits to the applicants before the Patna Bench of the Tribunal and subsequent rejection of the representations of the applicants by the respondents. Therefore, considering the issue of delay in overall perspective, we are of the view that the period of delay highlighted by the respondents is not justified and the submission made by the applicants appears reasonable. Hence, we condone the delay on the part of the applicants in approaching the Tribunal.

15. The next issue pertains to entitlement of the applicants to the relief sought i.e. extension of benefit of FCS w.e.f. 30.7.2001 on par with similarly situated persons who were petitioners in OA.No.75/2008 and who have been extended with the benefit of FCS. The applicants have highlighted the fact that based on the guidelines of FCS, the Central Silk Board through Ministry of Textiles had

approached the Ministry of Science and Technology who had recommended that the Board and its Research Institutes may be recognised as Scientific and Technological Organisations and FCS may be sanctioned to Scientists working in the Board and its Research Institutes in terms of FCS guidelines. However, the CSB and the Ministry of Textiles took their own time to consider the matter and issue the order after 5 years after Min. of Science & Technology recommended for extending FCS to the CSB. Because of the delay on the part of respondent to decide the matter, the applicants should not suffer. Hence they should be extended the benefits from the date on which the Ministry of Science and Technology recommended in favour of the CSB and its Research Institutes as Scientific and Technological Organisations. They have also referred to the order of the Cuttack Bench of this Tribunal wherein the respondents are directed to confer similar benefits to the applicants as were given to the applicants in OA.No.75/2008.

16. The respondents, on the other hand, gave a chronology of the entire events saying that they can implement only after approval of the Ministry who has to consult the DOPT and the Ministry of Finance based on the proposal from the CSB. Hence it is not a question of automatic extension of benefit and a decision has to be taken to extend the benefits by the Ministry after considering all aspects including the financial implications. They also submitted that they have challenged the order of the Cuttack Bench of the Tribunal before the High Court of Orissa. They have also referred to another order passed by this Tribunal in OA.No.143/2014 and similar other OAs wherein the Tribunal while noting the order of the Patna Bench of the Tribunal had rejected the prayer for benefit of Modified Flexible Complimentary Scheme(MFCS) from earlier date and to extend the benefit only after the approval of the Ministry rather than an earlier date.

17. Whether the Scientists like the applicants in the present OAs should be extended the benefit of FCS w.e.f. 30.7.2001 in place of 30.8.2006 was discussed by the Patna Bench of this Tribunal in OA.No.75/2008 and the Tribunal vide order dated 13.1.2009 had ordered as follows:

"We have heard the learned counsel for the parties. Learned counsel for the applicant pressed for implementation of the scheme with effect from the date it came into force as per DoPT letter dated 9.11.98 and should have been implemented from that date in CSB also. On the other hand, learned counsel for the respondents referred to various problems and availability of funds etc. and the fact that recognition of CSB as S&T organization was received in 2001. Therefore, implementation of scheme from a date prior to that has no basis or rationale.

It is admitted fact that the applicants have been extended the benefit of the scheme w.e.f. 30.8.2006. It is also the admitted case of the parties that the CSB and its research institutes were recognized as S&T organisation w.e.f. 30.7.2001. Obviously, the CSB and its research institutes did not have the recognition as S&T organization prior to that. Therefore, the benefit to the scheme could not have been extended to them from date the scheme was implemented by DoPT for S&T organizations. At best it could be made applicable to them w.e.f. the date the CSB and its research institutes were brought under the umbrella of S&T organization i.e. 30.7.2001. Accordingly, the respondents are directed to grant benefit of the FCS to the scientists working in Central Silk Board and its research institutes from 30.7.2001 with all consequential benefits within a period of 4 months from the date of receipt of a copy of this order. OA stands disposed of accordingly with no order as to costs."

18. The matter was then challenged before the Hon'ble High Court of Jharkhand at Ranchi which by order dated 27.3.2012 upheld the order of the Tribunal. The Hon'ble High Court vide para-14 to 17 of its order dt.27.3.2012 had observed as follows:

14. However, the bone of contention revolves around issuance of the letter dated 30.8.2006 by the Ministry of Textiles whereby, the approval of Government of India for extension of F.C.S. to the scientists of C.S.B at various level indicated therein is to be effective from the date of issuance of the said letter dated 30.8.2006. It is evident that the C.S.B has been recognized to be scientific and technological organization on the proposal of the administrative ministry i.e. Ministry of Textiles w.e.f. 30.7.2001 on the basis of the recommendations of the expert committee of the Ministry of Science and Technology through its Office Memorandum of the same date 30.7.2001. The exercise contemplated in para 5 of the said office memorandum had been undertaken by the administrative ministry i.e. Ministry of Textiles where under it was required to satisfy itself that such institution is a Scientific and Technological institutions and the officers are Scientists holding scientific posts and are involved in scientific and technological activities as per Annexure-I to the said O.M. dated 9.11.1998 while making its recommendation to the Department of Science and Technology. Therefore, the issuance of the letter dated 30.8.2006 is only consequential order. The letter dated 30.8.2006 issued by the Ministry of Textiles cannot be said to overreach the decision already taken by following the prescribed procedures by the same Ministry of Textiles , the

administrative ministry of the C.S.B which led to the recognition of the C.S.B as Scientific and Technological Organization vide Office Memorandum date 30.7.2001 issued by the Department of Science and Technology, Government of India for extending the benefits of F.C.S. to the Scientists working in C.S.B. in conformity with the provision of DOPT's notification O.M. dated 9.11.1998. By indicating in para 2 of the said letter dated 30.8.2006 that the scheme would be effective from the date of issue of the letter , the writ petitioner and the Ministry of Textiles have resorted to fixing an arbitrary and irrational cut up date when admittedly as per the procedures prescribed under the O.M. dated 9.11.1998, the C.S.B stood recognized as Scientific and Technological organization w.e.f. 30.7.2001 for the purpose of extending the benefits of F.C.S to the Scientists working in C.S.B at the defined levels.

15. *The petitioner cannot take the plea of administrative difficulty in conducting the assessment procedures for granting the aforesaid in-situ promotions to the deserving scientists and the delay caused in the said process for making the scheme itself effective from the date of its recognition i.e. 30.7.2001 instead of 30.8.2006 as indicated in the letter dated 30.8.2006 of the Ministry of Textiles. The learned Tribunal being satisfied with the averments of the writ petitioner/ organization that C.S.B. had been duly declared as Scientific and Technological Organization w.e.f. 30.7.2001 proceeded to hold that the applicants cannot be denied the benefits of F.C.S. from the said date. It accordingly, allowed the original application by issuing necessary direction for granting the benefits of F.C.S. to the applicants w.e.f. 30.7.2001 instead of 30.8.2006 as indicated in the letter dated 30.8.2006 issued by the Ministry of Textiles.*

16. *The decisions relied upon by the petitioner reported in 2004(1) SCC 592 in the case of Suresh Chandra Singh & others Vrs. Fertilizer Corporation of India Ltd. and also reported in 2006(5) SCC 65 in the case of State of Bihar & others Vrs. Bihar Pensioners Samaj relate to the question where the discretion is conferred upon the employer to confer certain benefits like increase in the retirement age to its employees, which is dependent upon a number of factors to be decided within the sole discretion of the employer himself and from a particular date. In the present case it is evident from the discussion made herein above that the C.S.B and its administrative ministry, i.e. Ministry of Textiles after a proper and thorough exercise made recommendation to the department of Science and Technology for recognition of the C.S.B as a Scientific and Technological organization as per the procedures prescribed in the decision contained in the office memorandum dated 9.11.1998 issued by the department of Personnel and Training , Government of India for extending the F.C.S. to Scientists of such recognized Scientific and Technological organization. Once the organization was recognized as Scientific and Technological organization on the report of the expert committee of the Ministry of Science and Technology, Government of India and accepted by the writ petitioner as well, the mere administrative delay in conferring the said benefits to certain persons like the applicants in the instant case cannot be made the basis for making scheme itself effective from a date five year later i.e. 30.8.2006 from the date of its recognition i.e. 30.7.2001 without any rational and lawful justification.*

17. *As such, we do not find any infirmity in the order of the learned Tribunal so as to interfere with the impugned judgment. Accordingly, the writ petition is dismissed.*

The Cuttack Bench of the Tribunal in OA.No.959/2013 has taken a similar view and directed the respondent to extend benefits on the same line. We are in

complete agreement with the stand taken by Patna Bench of the Tribunal and the Hon'ble High Court of Jharkhand in the matter and hence we are of the view that the same principle shall apply to the applicants herein also.

19. The respondents have referred to another order passed by this Tribunal in OA.No.143-153/2014 and related OAs. But the said OAs pertains to a different issue of recruitment rules and will have no applicability in this case. The respondents have also mentioned in the reply statement as well as during the arguments that allowing similar benefits to the applicants will involve huge financial implications. They also mentioned that the Hon'ble Apex Court in the SLP mentioned they are not inclined to annul the judgment because the financial implication on the petitioner-organisation is too meagre. They submitted that the financial implications will be too huge when all persons extended similar benefits. Such an argument by the respondents regarding financial implications cannot be accepted and an entitled benefit cannot be allowed to some and denied to others on the financial grounds. It is the matter of principle in applicability of a decision. If some of the scientists in the organisation are extended benefit from a particular date, it will be unfair to deny similar benefits to others only citing substantial financial implications to the organisation. Moreover it will result in a situation where various groups of scientists in the same organisation are given benefits in different manner. Hence, the plea of financial implications as stated by the respondents cannot be a ground to deny similar benefits to the applicants if they are entitled to it.

20. On detailed consideration of the facts and circumstances of the case and in the light of the discussion in preceding paras, we hold that the applicants who are Scientists in the Central Silk Board(CSB) are entitled to the benefits of the Flexible Complimentary Scheme(FCS) w.e.f. 30.7.2001 which has been already extended to the petitioners in OA.No.75/2008. Accordingly, the OAs are allowed.

OAs.No.742-808/2013, 921/13, 1109/13, 1414/13
438/14, 460/14 & 549/2014/CAT/Bangalore Bench

The respondents are directed to confer the similar benefits as allowed to sixteen scientists in OA.No.75/2008 to the applicants within a period of four(4) months from the date of receipt of a copy of this order. No order as to costs.

(P.K.PRADHAN)
MEMBER (A)

(JUSICE HARUN UL RASHID)
MEMBER (J)

/ps/