

**Central Administrative Tribunal  
Jaipur Bench, Jaipur**

**O.A. No. 27/2018**

Date of decision: 15.03.2019

**Hon'ble Mr. Suresh Kumar Monga, Member (J)  
Hon'ble Mr. A. Mukhopadhyaya, Member (A)**

Pramod Kumar Rai S/o Shri Tirath Raj Rai Sharma, aged about 49 years, R/o Type IV/4, Staff Colony, ICAR-DRMR, Sewar, Bharatpur, 321303. Presently posted at JCAR Directorate of Rapeseed Mustard Research (NRCRM), Bharatpur.

...Applicant.

(By Advocate: Shri Surendra Kumar)

Versus

1. Union of India through Secretary Indian Council of Agricultural Research, Dr. Rajendra Prasad Road, Krishi Bhawan, New Delhi.
2. Vice Chancellor, Sardar Vallabhai Patel University of Agriculture & Technology, Meerut Uttar Pradesh-250110.

...Respondents.

**ORDER (ORAL)**

**Per: Suresh Kumar Monga, Member (J):**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

- "1. Directed to the respondents to treated the past services rendered by the applicant since 27-11-1996 to 4-4-2005 at SKN college of Agriculture, Jobner, Jaipur and in pursuance of appointment letter dated 29-3-2005 joining the services on 6.4.2005 to 25-8-2009 rendered at Sardar Vallabhai Patel University of Agriculture & Technology,

(2)

Modipuram, Meert for the purpose of counting the pension under the old pension scheme.

2. Further directed to the respondents the services of applicant may be treated as continue service rendered under the different employee for granting under the old pension scheme.
3. Directed to the respondents to count the one day joining/journey period of 5-4-2005 as continue service which was spend during joining on the post of Associate professor (Pathology and Microbiology) Sardar Vallabhbhai Patel University of Agriculture & Technology, Modipuram, Meerut.
4. Any other appropriate order or direction the Hon'ble Tribunal may consider just and proper in the facts and circumstances of the case, may also kindly be passed.
5. Cost of the O.A. may kindly be allowed to the applicant."

2. Learned counsel for the applicant stated that before filing the present Original Application, a legal notice dated 01.07.2017 (Annexure A/1) was served upon the respondents and the same has not been replied as yet. Learned counsel further submitted that the applicant would be satisfied if a direction is issued to the respondents to treat the legal Notice dated 01.07.2017 as applicant's representation and decide the same within a timeframe.

3. In view of the aforesaid limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the O.A.

(3)

4. Accordingly, the O.A. is disposed of with a direction to respondents to treat the applicant's legal Notice dated 01.07.2017 as his representation and take a decision over the same by way of passing a reasoned and speaking order in accordance with law within a period of two months from the date of receipt of a certified copy of this order. A further direction is issued that before taking any decision over the applicant's representation, he shall also be afforded an opportunity of hearing.

5. Ordered accordingly. No order as to costs.

(A.Mukhopadhyaya)  
Member (A)

(Suresh Kumar Monga)  
Member (J)

/kdr/