

**Central Administrative Tribunal
Ernakulam Bench**

OA No.180/00990/2015

Wednesday, this the 25th day of September, 2019.

CORAM

**Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member
Hon'ble Mr.Ashish Kalia, Judicial Member**

K.Soman, aged 60
S/o K.Kuman
Technical Officer (Grade T-5 (Retired),
ICAR-CPCRI, Regional Station, Kayamkulam.
Residing at Thejus House, Paikuzhi P.O.,
Ochira -26.Kollam District. Applicant

(Advocate: Mr. P.V.Mohanan)

versus

1. Indian Council of Agricultural Research,
represented by Secretary,
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi-110 001.
2. The Director,
Central Plantation Crops Research Institute,
Kasaragode, Post Kudulu-671 124.
3. The Director
ICAR-Indian Institute of Oil Palm Research,
Pedavegi, West Godavari District,
Andhra Pradesh-534 450. Respondents

(Advocate: Mr.P. Santhosh Kumar)

The OA having been taken up on 25th September, 2019, this Tribunal delivered the following order on the same day:

O R D E R (oral)**By Ashish Kalia, Judicial Member**

This matter was heard at length. In the additional reply statement, the respondents have admitted that there is a mistake occurred pursuant to the order passed by the Hon'ble Supreme Court that those who have already been promoted shall not be reverted. The respondents have categorically submitted in para 5 of the additional reply that the Supreme Court order has been received by them only in the month of January, 2017 and in the said circumstances, the respondents have corrected the erroneous promotion date of the applicant from 1.1.1997 to 3.2.2000 in implementing this Tribunal's orders in OA No.923/2001. The respondents have not reverted the applicant, but only rectified the erroneous promotion date vide Annexure A14 order dated 7.9.2015. While looking at Annexure A14, we again found that the applicant was granted T-3 Grade on 1.1.1997 as per Annexure A7 but again the mistake has occurred in Annexure A14 and it has been shown that promotion to T-3 Grade has been given to the applicant w.e.f. 3.2.2000. Learned counsel for the respondents submits that they have no intention to violate the Supreme Court order.

2. We hereby direct that the order in question be rectified in terms of Supreme Court order within a period of ninety days and all benefits accrued from this, based on re-calculation of pensionary benefits, shall be disbursed to the applicant, within the aforesaid period. OA stands disposed of.

(Ashish Kalia)
Judicial Member
aa.

(E.K.Bharat Bhushan)
Administrative Member

Annexures filed by the applicant:

Annexure A1: Copy of the certificate.

Annexure A2: Copy of the order F.No.4(158)/93-Estt dated 22.7.1993.

Annexure A3: Copy of the proceeding F.no.4(158)/97-Estt. Dated 2.4.1997.

Annexure A4: Copy of the proceeding No.14(3)/94-Estt IV dated 1.2.1995.

Annexure A5: Copy of the Modified Technical Service Rule dated 3.2.2000.

Annexure A6: Copy of the judgment in OA Nos.697/2001, 923/2001 & 935/2001 dated 23.2.2004.

Annexure A7: Copy of the proceeding F.No.5(110)/Estt/2003-04/Asses of Techl. dated 30.6.2004.

Annexure A8: Copy of the Option Statement.

Annexure A9: Copy of the Note F.No.5(110)Estt/2003-04/Technl.Ass/2324 dated 19.10.2004.

Annexure A10: Copy of the order F.No.5(110)/Estt/2003-4/Asses of Technl/3212 dated 29.12.2004.

Annexure A11: Copy of the order F.No.5(24)Estt/2004-05/3562 dated 29.1.2005.

Annexure A12: Copy of the proceeding F.No.50/Assess.Technl./200-10 dated 27.9.2010.

Annexure A13: Copy of the proceeding P.F.529/Admn. Dated 29.7.2015.

Annexure A14: Copy of the proceedings F.No.50/Assess.Technl./2013-14/2139 dated 7.9.2015.

Annexure A15: Copy of the proceedings No.50/Pay Fixation/2015-16 dated 30.10.2015.

Annexure A16: Copy of the representation dated 16.11.2015.

Annexure A17: Copy of the judgment in OP No.22437/2005 dated 21.5.2008.

Annexure A18: Copy of the order of the Apex Court in Civil Appeal No.4159 dated 23.7.2009.

Annexures filed by the respondents:

Annexure R2(a): Copy of letter No.F.154(3)/94-Estt dated 10.1.1996 issued by the 1st respondent.

Annexure R2(b): Copy of letter No.50/Pay Fixation-Technl/2012-13 dated 19th December, 2015 of the 3rd respondent.