

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00129/2017

DATED THIS THE 05TH DAY OF JULY, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

Sri B. Kumar,
Aged about 66 years,
S/o Late
Retd as Upper Division Clerk,
Office of Regional Institute of Education,
Mysore 570 006
R/a No. 93, 9th Main Road,
Bogadi, 2nd Stage (South),
Prashant Nagar,
Mysore 570 006 Applicant
(By Advocate Shri Ranganatha S. Jois)

Vs.

1. The Union of India,
Represented by its Secretary,
Ministry of Human Resources,
New Delhi 110 001
2. The Secretary,
National Council of Educational Research & Training,
Sri Arabindo Marg,
New Delhi 110 016

3. The Deputy Secretary,
RIEFA Section, NCERT,
Sri Arabindo Marg,
New Delhi 110 016

4. The Principal,
Regional Institute of Education,
Mansa Gangotri,
Mysore 570 026

....Respondents

(By Shri Dilip Kumar, Counsel for the Respondents)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J)

Applicant claims that he had been appointed in 1973 and produced Annexure-A1. But then that relates to temporary appointment to the post of a Cleaner which was to continue till 30.04.1973. Therefore, the date as prescribed by the applicant cannot be held as a regular appointment whereas the respondents deny that applicant was appointed as a Lab Assistant but as a Cleaner in the substantive capacity with effect from 01.05.1979. They would further say that with effect from 01.05.1989 the first financial upgradation was granted. With effect from 01.05.1999 the second financial upgradation was granted to him and with effect from 01.05.2009 the third financial upgradation was also granted to him. Therefore, the respondents submits that all the elements covered by our order dated 03.04.2013 in OA No. 240/2013 had been complied with and there is nothing more which remains to be adjudicated in the matter. It appears that he had been granted a promotion as LDC and UDC also. Applicant raises an

objection that our order dated 03.04.2013 in OA No. 240/2013 is not complied with. We quote from this order:

"O R D E R (ORAL)
HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. We find that vide Annexure A-3 dated 22.1.2012, the matter had not properly engaged the attention of the respondents. Therefore, we direct the Principal, Regional Institute of Education, the 4th respondent to study the representation and forward a detailed recommendation with a copy of the representation of the applicant, to the 1st, 2nd and 3rd respondents within one month from the date of receipt of a copy of this order. When the recommendation is obtained in the office of the 1st, 2nd and 3rd respondents, the appropriate officer may consider Annexure A-3 and A-4 along with the recommendations made by the 4th respondent and pass appropriate speaking order, within one month thereafter.

2. OA is thus allowed to the limited extent stated above. No order as to costs."

2. This order relates to passing a speaking order which now the applicant seeks that it is a glaring lacunae but then that has been covered by our order in OA No. 129/2017 dated 23.08.2018 after which we had restored the matter on stipulation by the applicant. We had heard both the counsels and we find that applicant has not raised any new grounds in order for us to exercise our jurisdiction as Annexure-A1 is very clear and the stipulation already made that all benefits has been granted to him seems to be covered by our records. Therefore, there is no merit in the OA.

3. The OA is dismissed. No order as to costs.

(C.V. SANKAR)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00129/2017

Annexure-A1: Copy of the order dated 19.02.1973

Annexure-A2 & A3: Copies of the Pension Orders dated 24.08.2010 & 31.08.2010

Annexure-A4: Copy of the government order dated 19.05.2009

Annexure-A5: Copy of the order dated 20.10.2010

Annexure-A6: Copy of the order dated 03.04.2013

Annexure-A7: Copy of the order dated 06.11.2013

Annexure-A8: Copy of the representation of the applicant

Annexures referred in reply statement

Annexure-A1: Copy of the Memorandum dated 19.02.1973

Annexure-A2: Copy of the proforma for grant of ACP/MACP 2013

Annexure-A3: Copy of the OM dated 19.05.2009

Annexure-A4: Copy of the proforma for grant of ACP/MACP 2013

Annexures referred in MA No. 98/2019

Annexure-MA1: Copy of the order dated 23.08.2018 in OA No. 129/2017

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