

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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Date of Order: 28.11.2019

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

OA/350/51/2014 HIRANMAY KUNDU & OTHERS

O.A/350/52/2014 SACHIPADA GHOSH

O.A/350/53/2014 G. CHINNAIYA

O.A/350/54/2014 AJIT BAGDI

O.A/350/55/2014 ALOKA BAGDI

O.A/350/56/2014 CHHABI RUIDAS

-VS-

INDIAN COUNCIL OF AGRICULTURAL RESEARCH

For The Applicant(s): Mr. B. P. Yadav, counsel

For The Respondent(s): Mr. N. Chatterjee, counsel

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both the sides.

2. Since identical issues have been raised and identical benefits have been sought for, the O.As are taken up analogously. For convenience, O.A 51/2014 is taken up for consideration.

3. The applicants in this O.A have sought for the following relief:

i) To declare that the applicants are regular employees and as the applicants have their service on the substantive post of Group D wherein the pay of the applicants have been regulated and paid from the consolidated fund of India.

ii) Leave may be granted to this Original application jointly under Rule 4(5)(a) of CAT Procedure Rules 1987.

iii) To issue specific directions to the first and third respondents or any other competent authority of the respondents to give effect the orders of the judgement of the Supreme Court in the matter of the "Secretary for the state of Karnataka versus Umadevi (3) cases dated 10.04.2006" to the service of the applicants and in view of the judgment, the applicants may be deemed regular government servants with effect from dated 11.10.2006 in the Institution of the respondents.



iv) and to pass such orders as this Hon'ble Bench deem fit and proper in view of the facts, the circumstances and the documents relied up on the case of the applicant."

4. At hearing ld. counsel for the applicants submitted that he would be pleased if liberty is given to the applicants to prefer comprehensive representation to the appropriate respondent authorities seeking benefits in terms of Rule 10 sub rule 1 (B) of CCS Temporary Service Rules, 1965 which reads as under:


"(1-B) In the case of a temporary Government servant who retires from service on attaining the age of superannuation or on his being declared to be permanently incapacitated for further Government service by the appropriate medical authority, after he has rendered temporary service of not less than 10 years or who has sought voluntary retirement by giving three months notice in writing on completion of 20 years, provisions of sub-rule (1) shall not apply and in accordance with the provisions of the Central Civil Services (Pension) Rules, 1972-

- (i) Such a Government servant shall be eligible for the grant of superannuation, invalid or retiring pension, as the case may be, and retirement gratuity; and
- (ii) In the event of his death after retirement, the members of his family shall be eligible for the grant of family pension."

5. Accordingly, without entering into the merits of the matters, the above O.As are disposed of with liberty to the applicants to prefer comprehensive representation to the appropriate authorities seeking benefits in terms of Rule 10 sub Rule 1 (B) of CCS Temporary Service Rules, 1965 within a period of 4 weeks from the date of receipt of a copy of this order.

6. In the event such representation is preferred, the concerned respondent authority shall consider in accordance with the Rules (supra) and pass appropriate reasoned and speaking order in accordance with law within a period of 3 months from the date of receipt of such representations.

7. The above O.As accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)