

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 13489 of 2013

Uttama Reddy

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Petitioner

Ms.Chitra Padhy, Advocate

Vs.

***Secy., National Council of
Education & Research &
Training, New Delhi & Ors.***

.....

Opposite party

*Mr. B. Dash, CGC
(O.P.2)*

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

10.03.2022

Order No.

3

This matter is taken up through hybrid mode.

2. None appears for the petitioner at the time of call.
3. Heard Mr. B. Dash, learned Central Government Counsel for opposite party no.2.
3. Perused the record. It appears that the petitioner has filed this writ petition challenging the order dated 21.11.2012 passed by the Central Administrative Tribunal in O.A. No.746 of 2010.
4. The factual matrix of the case, in brief, is that earlier the petitioner had approached the Central Administrative Tribunal by filing O.A. No.306 of 2010, which was disposed of on 09.06.2010 at the stage of admission granting liberty to him to make a representation taking all points raised in the said O.A. and on receipt of the same the competent authority would pass a reasoned order and it was, inter alia, provide that till then the provisions

contained in the order dated 19.05.2010 would not be made applicable to him. Against disposal of the said representation rejecting his claim, the petitioner approached the Central Administrative Tribunal, Cuttack Bench, Cuttack by filing O.A. No.746 of 2010 and the Tribunal, after due adjudication, rejected the claim of the petitioner. Therefore, the petitioner has approached this Court by filing this writ petition.

5. Mr. B. Dash, learned Central Government Counsel appearing for opposite party no.2 contended that on the basis of option exercised by the petitioner, pursuant to memorandum dated 27.07.2007 issued by the opposite party-Department, the services of the petitioner were regularized and therefore he would be governed by the new Pension-cum-Gratuity rules of the Government of India issued by notification dated 22.02.2003 extended to NCERT employees. Therefore, the Tribunal vide order dated 21.11.2012 in O.A. No.746 of 2010 has rightly rejected the claim of the petitioner with regard to extension of benefit retrospectively.

6. Having heard learned Central Govt. Counsel and after going through the records, it appears that pursuant to memorandum dated 27.07.2007 issued by the opposite party-Department, the petitioner expressed his willingness for regularization, wherein it was specifically mentioned that if the petitioner accepts the offer he would be governed by the new Pension-cum-Gratuity rules of the Government of India introduced by Notification dated

22.02.2003 extended to NCERT employees. On the basis of acceptance of the terms and conditions made therein, the services of the petitioner were regularized. But, claiming the benefit retrospectively, the petitioner approached the Central Administrative Tribunal by filing O.A. No.746 of 2010 and after due adjudication, the Tribunal vide order dated 21.11.2012 rejected the claim of the petitioner.

7. Since the petitioner has accepted the terms and conditions mentioned in the memorandum dated 27.07.2007 and accordingly his services were regularized, now the petitioner cannot claim that he will be governed under the old rules. Therefore, this Court does not find any error in the order impugned dated 21.11.2012 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.746 of 2010 so as to cause interference. Accordingly, the writ petition merits no consideration and the same is dismissed.

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(DR. B.R. SARANGI)
JUDGE

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(SAVITRI RATHO)
JUDGE