

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 13043 of 2014

Nityananda Bhattacharya

.....

Petitioner

*Mr. Ashok Mishra, Sr. Advocate along
with Mr. S.C. Rath, Advocate*

Vs.

Union of India and others

.....

Opposite parties

*Mr. P.K. Parhi, ASGI &
Mr. S.B. Jena, Advocate (O.P.2)*

CORAM:

**DR. JUSTICE B.R. SARANGI
MISS JUSTICE SAVITRI RATHO**

ORDER

21.03.2022

Order No.
05.

This matter is taken up through hybrid mode.

2. Heard Mr. Ashok Mishra, learned Senior Advocate appearing along with Mr. S.C. Rath, learned counsel for the petitioner; Mr. P.K. Parhi, learned ASGI; and Mr. S.B. Jena, learned counsel for opposite party no.2.

3. The petitioner has filed this writ petition assailing the order dated 24.01.2014 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 609 of 2012, by which the Tribunal has come to a conclusion that the recovery of excess payment made to the applicants on re-fixation of pay is not an unilateral action, but a conscious decision has been taken after taking into consideration the 6th CPC as well as advice rendered by MoF and the same has been made applicable to all similarly situated employees working in different Institutes under ICAR as a matter of policy and, thus, cannot be treated as a discriminatory treatment to the applicants.

4. Mr. A. Mishra, learned Senior Advocate contended that in the meantime the petitioner has already retried, but his grievance is still subsisting. Learned Senior Advocate also filed a memo today enclosing the decision taken by Indian Council of Agricultural Research on 21.06.2021. The memo be kept on record. The letter dated 21.06.2021 reads as follows:-

“ INDIAN COUNCIL OF AGRICULTURAL RESEARCH

Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi-110001

F.No.TS-19(12)/2016-Estt.IV Dated the 21st June, 2021

To

*The Directors/Project Directors of IACAR Research Institutes/
Project Directorates/ National Research Centres/ Bureaux/ATARIs*

***Sub:- Granting of advance increments to technical employees of
ICAR who opted for Old TSR- reg.***

Sir/Madam,

In Continuation to Council's letter No.19(20)/96-Estt.JV dated 25.9.1997 and with the approval of the Hon'ble Governing Body as taken in its 239th meeting held on 14.02.2017, the benefit of Note to Rule 6.2 of Old TSR at the Grade T-1-3 and T-5 may be extended to the technical personnel who opted for Old TSR.

The provision for grant of advance increments to the maximum of three to the technical personnel who opted for Old TSR will remain in force only upto 13.2.2017 since the Governing Body has approved to amend the 'Note' under Rule 6.2 of Old TSR to the extent that grant of advance increment(s) to the maximum of three ceases to exist henceforth w.e.f. 14.2.2017, the date of approval of Governing Body.

Consequential benefits arising out of grant of advance increments may, therefore, be extended to the technical personnel who opted for Old TSR.

This issues with the approval of Competent Authority.

Yours faithfully,

Sd/

(Suparna Dasgupta)

Deputy Director (TS)

Copy to:-

PD, DKMA for uploading on the ICAR's website”

5. Since decision has already been taken as quoted above, with regard to the relief sought by the petitioner, this Court is not inclined to interfere with the order of the Tribunal. The writ petition stands disposed of in terms of the letter dated 21.06.2021 issued by the authority, as quoted above.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Arun