

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O. A. No. 1080/2002 with OA No. 1081/2002
New Delhi, this 10th March, 2003
Hon'ble Shri Justice V. S. Aggarwal, Chairman
Hon'ble Shri A. P. Nagrath, Member (A)

1. Bharatiya Krishikaramchari Sangh
IARI, Pusa, New Delhi, through
Jai Singh
369, Type II, Krishikunj
IARI, Pusa, New Delhi
2. Ram Akwal Pandit
249, Krishikunj
IARI, Pusa, New Delhi
3. Ram Parikshan
578, Krishikunj
IARI, Pusa, New Delhi
4. Bhau Thakur
WZ-75, Sadipur, New Delhi ..

Applicants in OA 1080/2002

1. Bharatiya Krishikaramchari Sangh
IARI, Pusa, New Delhi, through
Jai Singh
369, Type II, Krishikunj
IARI, Pusa, New Delhi
2. Deep Chand
505, Krishikunj
IARI, Pusa, New Delhi
3. S. D. Ansari
255, Krishikunj
IARI, Pusa, New Delhi
4. Mangal Singh
581, Krishikunj
IARI, Pusa, New Delhi ..

Applicants in OA 1081/2002

(Shri Chittaranjan Hati, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Agriculture
Krishi Bhawan, New Delhi
2. Secretary
ICAR
Krishi Bhawan, New Delhi
3. Director
IARI
Pusa, New Delhi ..

Respondents

(Shri Shankar Anand, Advocate)

ORDER (oral)

Shri A. P. Nagrath

These two OAs have been filed in the representative capacity by Bharatiya Kishi Karamchari Sangh alongwith some individual applicants. In these two applications, essentially the relief sought by the applicant is the same and therefore this common order.

2. All the applicants are presently working in Grade T-I-3 (Category-I) and are claiming promotion to Grade T-4 (Category-II) from the dates their juniors were so promoted alongwith consequential benefits. Earlier, applicants had filed OA No.2123/1999 seeking the same relief. The said OA was disposed of by this Tribunal on 15.12.2000 with a direction to the respondents to examine the issue in the light of the representations made by the Association on 12.3.1998 and 6.5.1998 and to consider the case of the applicants in accordance with ICAR Technical Service Rules and to promote them from the date on which their juniors were promoted from T-I-3 in Category-I to T-4 in Category-II. In pursuance of the said judgement, respondents considered the matter and communicated their decision vide the impugned order dated 31.5.2001 (Annexure A-1) rejecting the applicants' claim. Again this order, the Association and the individual applicants have come before us.

3. Briefly stated, the facts as per the applicants are that the respondents introduced ICAR Technical Service Rules, 1974 by which various grades were put under three categories comprising Category-I (T-1, T-2, T-3), Category II (T-II-3, T-4, T-5) and Category-III (T-6, T-7, T-8 and T-9). The Rules inter alia prescribed qualifications for promotion to Category-II (T-II-3) as (i) Graduation or (ii) ITI with 7 years of experience in relevant filed or (iii) Matriculation with 10 years experience in the relevant filed. Applicants' case



is that they belong to the category which falls under (iii) above but they are being deprived of their promotion to Category-II (T-II-3). It has been stated that vide letter dated 1.2.95 (Annexure A-4) followed by letter dated 4.8.95 the Governing Body of the Council decided to remove the category bar between Category-I and Category-II in the manner described therein.

By letter dated 4.8.1995 this relaxation was also extended to such of the staff of the Council who were Matriculates with 10 years service. Applicants contend that they are all matriculates with more than 10 years service but they are being denied promotion to Category II (T-II-3) even though their juniors have been so promoted right from 1995 onwards.

4. We have heard the learned counsel for the parties. We have also perused the order dated 1.2.95 carefully. It is apparent from this order that the Rules provide for specific qualification for Category-II by direct recruitment. By the order dated 1.2.95, set of the existing employees who are at level T-I-3 who possess qualification prescribed for entry to Category-II by direct recruitment were to be placed in Grade T-II-3 w.e.f. 1.1.95. Such of the employees who do not possess such qualifications were permitted to come in Grade T-II-3 from the first January of the year following the year in which they acquire the prescribed qualification. This was followed by a further order dated 4.8.1995 by which the Council decided that technical personnel who were in service as on 1.1.1977 would be eligible for the benefit of removal of category bar and placement in Grade T-II-3 or merit promotion from Grade T-2 to T-II-3 in terms of para (I) and (II) of Circular dated 1.2.95 on the basis of relaxed alternative qualification prescribed by Council letter dated 27.1.1979.

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5. We have seen the minimum qualifications prescribed for different grades/categories which has been brought on record by the applicants at page 35 of the OA. It is seen that for Category-II, the minimum essential qualification is three years Diploma/Bachelor's degree in the relevant field or National Trade Certificate of ITI/National Apprenticeship Certificate or equivalent qualification with seven years experience in the relevant field or Matriculate with ten years experience in the relevant field. All applicants belong to last category who are Matriculates but claim to have more than 10 years of experience. A careful perusal of the Rules reveals that for relaxation to the extent of promoting Matriculates with 10 years experience to be considered, the essential condition is that they should be Council's employees as on 1.1.1977.

6. The above would obviously mean that if the applicants possess Matriculation qualification and were having more than 10 years of experience and were also in service in the Council as on 1.1.1977 in the technical services, they were entitled to the reliefs claimed. On our specific query to the learned counsel on either side, it came out that all the applicants came in the technical services much after the cut off date i.e. 1.1.1977. Learned counsel for the respondents drew our attention to the reply of the respondents to say that all the applicants were appointed in the year 1982-85. Learned counsel for the applicants, however, stated that these applicants were already in the employment of ICAR prior



to 1.1.77 as Laboratory Attendants. Nothing has been shown to us by the applicants to establish that they were in the Technical Services as on 1.1.1977 or that the posts of Laboratory Attendants fall in the category of Technical Services. Order dated 4.8.1995 clearly prescribes that technical personnel who were in Council's service as on 1.1.1977 will be eligible for the removal of category bar and placement in Grade T-II-3 (emphasis supplied). Respondents have categorically asserted in their counter that the applicants came to the Technical Services i.e. T-I-3 in the years 1982 to 1985. To this, there is no rebuttal in the rejoinder filed by the applicants. The learned counsel for the applicants could not contest this statement of facts, even at the bar. Since the applicants have failed to establish that they were in Technical Services of the Council prior to the cut off date, they have no ground to claim the benefit of relaxation in terms of letter dated 1.2.1995. Resultantly, we find no merit in their prayer for promotion to T-II-3 with effect from 1.1.95.

7. For the reasons aforesaid, these two applications must fail and they are accordingly dismissed. No costs.

(A.P. Nagrath)
Member(A)

(V.S. Aggarwal)
Chairman

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