

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE**

ORIGINAL APPLICATION NO.170/00315/2019

DATED THIS THE 05th DAY OF MARCH, 2020

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

Dr.Rajendra Hegde
S/o Sri.Ramakrishna Hegde
Aged about 56 years
R/o. H.No.3817, V-Cross
B-Block, Gayathrinagar
Bengaluru-560 021.

....Applicant

(By Advocate Sri N.G.Phadke)

Vs.

1. M/s. Indian Council of Agriculture Research
Krishi Bhavan, Dr.Rajendra Prasad
New Delhi-110 104
Rep. by its Secretary

2. M/s. National Bureau of Soil Survey &
Land Use Planning
Amaravati Road
Nagpur-440 010.
Rep. by its Director.

3. The Drawing & Disbursing Officer
National Bureau of Soil Survey &
Land Use Planning
Regional Centre, Hebbal
Bengaluru-560 024.

....Respondents

(By Advocate Sri B.A.ChandraShekar)

O R D E R

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

The applicant joined the services of M/s. Indian Council of Agriculture Research (ICAR) as Scientist on 11.11.1992 in the pay scale of Rs.2200-4000 and was promoted as Scientist (Sr.Scale) w.e.f. 11.11.1997. Later, he was directly

selected as Senior Scientist w.e.f. 7.7.2000 and was further promoted as Principal Scientist on 7.2.2008. At present, his basic pay has been fixed at Rs.1,82,700 w.e.f. 1.1.2016. However, the 2nd respondent has revised and reduced the pay of the applicant with retrospective effect from 1.7.2001 by order dtd.20.6.2018(Annexure-A5 & A6). The applicant claims that the pay scale of one of his juniors namely Dr.S.Mukhopadhyay, Principal Scientist, has been fixed at Rs.1,88,200 as on 1.1.2016 based on his promotion to the level of the Principal Scientist vide Annexures-A8 & A9. The applicant claims that he is entitled to get his pay stepped up on par with the said junior w.e.f. 1.1.2016. The applicant states that he is entitled for stepping up of pay on par with his juniors when he has got better qualification, awards etc., and therefore the instructions dtd.28.4.2006 at Annexure-A6 and office order dtd.20.6.2018 at Annexure-A5 have to be quashed.

2. The respondents would state that no seniority is being maintained amongst the scientists for promotion etc. and the assessment system is available wherein the assessment promotions are considered as per number of years of service required. The question of senior and junior does not arise. Further they would state that vide Annexure-R2E, the issue of stepping up of pay will be admissible only at the entry level grade of Scientists in the pay scale of Rs.2200-4000 w.e.f. 1.1.1996 and not to any other pay scale as granted at Annexure-R2F. In view of this, the stepping up of pay in the Senior Scientist grade is not admissible as per rules and therefore, the stepping up of pay of the applicant has been withdrawn and refixed w.e.f. 1.7.2001 vide office order dtd.20.6.2018. The representation of the applicant has not been agreed to and conveyed to him vide Annexure-R2J. Relating to the comparison with Dr.S.Mukhopadhyay, it is stated that he has

been granted three advance increments on account of his acquiring Ph.D on 22.6.2011 and therefore his pay has been fixed accordingly.

3. The applicant has filed further rejoinder vehemently opposing the denial of equal pay for equal work to the senior employees in the same post and grade with more experience and at least equal qualifications discharging the same or much onerous duties. The applicant reiterates that just because he was awarded with Ph.D earlier to the said junior, he is being denied the stepping up of pay vis-à-vis his junior. He has also enclosed a table stating the exact position which we quote:

| SI.No. | Particulars | Applicant | Dr.Subrata Mukhopadhyay |
|--------|---|------------|-------------------------|
| 1 | Year of award of Ph.D | 1992 | 2011 |
| 2 | Sr.Scientist | 07.02.2000 | 22.06.2011 |
| 3 | Principal Scientist | 07.02.2008 | 22.06.2015 |
| 4 | Head, Regional Centre (Selection appointment) | 29.05.2015 | Not appointed |
| 5 | Revised Pay as on 01.01.2016 | Rs.172200 | Rs.188200 |
| 6 | RP as on 01.07.2016 | Rs.177400 | Rs.193800 |
| 7 | RP as on 01.07.2017 | Rs.182700 | Rs.199600 |

4. From the above, it is very obvious that the stand taken by the respondents that the stepping up of pay for a person who joined as ARS with Ph.D degree prior to 1.1.1996 but draws less pay than the junior who joined as ARS on or after 1.1.1996 and such upgradation cannot be given to any other grade does not seem to be logical. As made out by the applicant in the rejoinder, Dr.S.Mukhopadhyay has all along been junior to the applicant, he having become a Principal Scientist only in the year 2015 i.e. 7 years after the applicant. And therefore, it is illogical that the applicant should suffer the ignominy of having lesser pay than his junior as on date. Therefore, we have no hesitation in holding that the applicant is entitled for the stepping up of his pay on par with

Dr.S.Mukhopadhyay who was given such benefit vide Annexure-A9. The applicant shall be entitled for such stepping up with effect from the date Dr.S.Mukhopadhyay has been given the higher pay with all consequential benefits thereon. The respondents shall issue necessary orders within a period of three(3) months from the date of issue of this order.

5. The OA is allowed as above. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

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Annexures referred by the applicant in OA.No.170/00315/2019

Annexure-A1: Office order dtd.2.12.2016

Annexure-A2: ICAR's letter dtd.30.11.2005

Annexure-A3: Office order dtd.7.7.2010

Annexure-A4: Statement of pay fixation as on 1.1.2016
Annexure-A5: Office order dtd.20.6.2018 along with note
Annexure-A6: Letter of instructions dtd.28.4.2006
Annexure-A7: Representation dtd.28.7.2018
Annexure-A8: Office order dtd.21.6.2018
Annexure-A9: Office order dtd.30.6.2017

Annexures with reply statement of R2:

Annexure-R2A: Office order dtd.16.3.2005
Annexure-R2B: Office order dtd.2.12.2006
Annexure-R2C: Office order dtd.20.6.2018
Annexure-R2D: Office order dtd.30.4.2010
Annexure-R2E: Anomaly in pay fixation ICAR letter dtd.13.4.2017
Annexure-R2F: Rectification of anomaly in pay fixation ICAR letters dtd.28.4.2006
Annexure-R2G: ICAR letter dtd.14.3.2019
Annexure-R2H: ICAR letter dtd.14.4.2004
Annexure-R2I: ICAR letter dtd.14.11.2005
Annexure-R2J: NBSSLUP, Nagpur letter dtd.20.3.2019
Annexure-R2K: ICAR letter dtd.6.3.2019

Annexures with rejoinder:

-NIL-
