

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00005/2020

Reserved on : 06.01.2020

Jodhpur, this the 13th January, 2020

CORAM

**Hon'ble Smt Hina P. Shah, Judicial Member
Hon'ble Ms Archana Nigam, Administrative Member**

Dr Kheem Raj Solanki S/o Shri Baghmal aged about 76 years, by caste Solanki, Resident of 52, D Golf Course Scheme, Air Force Area, Jodhpur, Jodhpur Retired ADG (AF), ICAR, New Delhi.

.....Applicant

By Advocate : Mr C. S. Bissa.

Versus

1. The Indian Council of Agricultural Research through its Secretary, Krishi Bhawan, New Delhi-110 0114.
2. The Director General, Indian Council of Agricultural Research, Krishi Bhawan, New Delhi – 110 114.
3. The Director, Central Arid Zone Research Institute, Jodhpur – 342 003.

.....Respondents

ORDER

Per Smt. Hina P. Shah

This Original Application has been filed by the applicant under Section 19 of Administrative Tribunals Act, 1985 seeking following reliefs:

“Respondents be directed to release four advance increments under order dated 27.02.1999 and by applying the ratio of judgments passed by Hon'ble CAT, Hon'ble High Court and Hon'ble Supreme Court referred in the OA in favour of the applicant with arrear and all

consequential benefits from the date he becomes eligible and entitled.”

2. Brief facts of the case are that ICAR had been allowing two grade increments to scientist who did PH.D. while in service and two grade advance increment for advance movement. Later on, Scheme dated 27th February, 1999 which provided revision of pay scales of the Scientists of I.C.A.R. in light of 5th Central Pay Commission by allowing four advance increments to the Scientists of I.C.A.R. who did Ph.D. prior to entering into service, had been introduced but the said scheme was not implemented by I.C.A.R. Aggrieved of the same, some of the Scientists of I.C.A.R. approached Ernakulam Bench of this Tribunal and the Scheme dated 27th February, 1999 was upheld by the Ernakulam Bench directing the respondents to grant the applicants therein benefit of the said Scheme. The Respondents-Institute challenged the order of CAT Ernakulam Bench in the Hon'ble High Court of Kerala and Hon'ble High Court of Kerala also upheld the order passed by Ernakulam Bench of this Tribunal. Thereafter, respondents approached Hon'ble Supreme Court by filing SLP challenging the orders of the Tribunal as well as Hon'ble High Court of Kerala. The Hon'ble Supreme Court converted the SLP filed by the respondents into Civil Appeal and heard the matter. By order dated 23rd August, 2017, Hon'ble Supreme Court in one

of the Civil Appeal No. 1102/2011(ICAR & Anr Vs B. Sasikumar & Ors) modified the impugned order to the extent that benefits be given to the respondents (applicants before the Ernakulam Bench of Central Administrative Tribunal) not under two Schemes but under the second Scheme dated 27.02.1999 mentioned above.

3. When the matter was taken up for admission-hearing, learned counsel for the applicant submitted that applicant is similarly placed Scientists of I.C.A.R. to the ones who have been awarded benefits of advance increments under the Scheme of 27.02.1999 by the respondents vide order dated 22.11.2019 (Annex. A/4) in pursuance of matter attaining finality upto the level of Hon'ble Supreme Court. He thus submitted that since applicant is similarly situated to the applicants therein before Ernakulam Bench, therefore, same benefits may be extended to the applicant herein in pursuance of order of Hon'ble Supreme Court referred above. He further submits that he approached to the respondents by filing representation dated 27.07.2019 to grant similar benefits but respondents neither decided the representation of the applicant nor they granted the similar benefits to the applicant. Applicant, therefore, approached this Tribunal seeking relief as has been granted to the similarly situated Scientists of I.C.A.R. vide order dated 22.11.2019.

4. We have given our thoughtful consideration to the matter and gone through the judgment of Hon'ble Supreme Court.

5. Applicant's claim is that he is similarly situated to the persons who have been allowed benefits of the Scheme dated 27.02.1999 by the respondents vide order dated 22.11.2019 (Annex. A/4) and his representation making such claim is still pending with the respondents. Hence, in view of the facts and circumstances of the case, we find that matter is pre-mature to be decided by this Tribunal at this stage. Therefore, while keeping the issue of limitation as well as merits open, we deem it appropriate to direct the respondents to decide the representation of the applicant in a time-bound manner dispensing with issuance of notices at this stage so that matter can properly be adjudicated by this Tribunal if any grievance remains to the applicant after decision of the respondents.

6. Accordingly, respondents are directed to decide the representation dated 27.07.2019 (Annex. A/3) filed by the applicant. Applicant shall serve copy of this order alongwith copy of representation dated 27.07.2019 (Annex. A/3) and other relevant documents, if any. The respondents shall decide representation of the applicant by a reasoned speaking order within 03 months from the date of receipt of a copy of this order alongwith copy of representation dated 27.07.2019 (Annex. A/3).

7. In terms of above direction, OA is disposed of at admission stage, with no order as to costs.

[Archana Nigam]
Administrative Member

[Hina P. Shah]
Judicial Member

Ss/-