

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00008/2020

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 Poonam Chand Mali S/o Shri Kheemaji, aged about 75 years, by caste Mali, Resident of Shanti Priya Nagar, B/h Cheer Ghar, Chopasani Road, Jodhpur. Retired Principal Scientist, CAZRI, Jodhpur.

.....Applicant

By Advocate : Mr C. S. Bissa.

Versus

1. The Indian Council of Agricultural Research through its Secretary, Krishi Bhawan, New Delhi-110 114.
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 05.11.2018 (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.

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 05.11.2018

(Annex. A/4). Although applicant pleaded in para 4(8) of his original application that he submitted a representation to respondents with a prayer to release four increments with arrear and all benefits but we, however, do not find any such representation annexed with the present OA. As per material available on record, the applicant directly approached this Tribunal stating that similarly situated persons have been granted benefits by the respondents vide letter dated 05.11.2018 (Annex. A/4). It is pertinent to note that Section 20 of the Administrative Tribunals Act, 1985 clearly provides that a Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules for redressal of his grievances. The applicant has not annexed any copy of representation submitted to relevant authorities alongwith present Original Application, in order to satisfy this Tribunal that applicant has agitated his grievance before the respondents prior to approaching this Tribunal and respondents have not passed any final order on the same. Hence, present OA is premature and we are not inclined to admit and issue notices to the respondents at this stage.

6. In view of discussions hereinabove made, we conclude that present OA is pre-mature as applicant has not exhausted all the

remedies available to him. Accordingly, the same is dismissed with no order as to costs.

[Archana Nigam]
Administrative Member

[Hina P. Shah]
Judicial Member

Ss/-