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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.3282/2001

Tuesday, this the 11th day of December, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Shri Arun Kumar
S/O Shri S.S. Malik
Technical Assistant (Agriculture)
2. Shri V.S. Yadav
S/O Shri R.A. Yadav
3. Shri D.K. Shrotri
S/O Shri Ramchandra
4. Shri Awadesh Rai
S/O Late Shri Ragho Rai

(All are working as Technical Assistant
(Agriculture) under Directorate of Extension, Department
of Agriculture & Cooperation (DAC), Ministry of
Agriculture, Krishi Vistar Bhawan, New Delhi-12)

..Applicants

(By Advocate: Ms. Meenu Mainee)

Versus

Union of India through

1. The Secretary (A&C), Department
of Agriculture & Cooperation
Ministry of Agriculture Krishi
Bhawan, New Delhi
2. The Director (Administration)
Directorate of Extension,
Department of Agriculture &
Cooperation, Ministry of
Agriculture, Krishi Vistar
Bhawan, New Delhi-12
3. The Secretary, Department of
Expenditure, Ministry of Finance,
North Block, New Delhi.

..Respondents

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi:

Heard the learned counsel appearing on behalf of
the applicants.

2. Applicants, who are posted as Technical
Assistants (TA) in the Directorate of Extension in the

Department of Agriculture & Cooperation, Ministry of Agriculture, have been placed, after the enforcement of the 5th Central Pay Commission's recommendations, in the pay scale of Rs.4500-7000/-. Prior to the 5th CPC, they had been working in the pay scale of Rs.1400-2300/-. The learned counsel appearing on behalf of the applicants submits that by not granting to the applicants the pay scale of Rs.5000-8000/- granted to Technical Assistants working elsewhere in the Department, the respondents have discriminated against the applicants and have thereby violated Articles 14 & 16 of the Constitution.

3. The aforesaid anomaly in the pay scales was, on representations being made by the applicants, taken before the Anomaly Committee set up by the respondents. The said Committee recommended grant of pay grade of Rs.5000-8000/- to the applicants. However, the Ministry of Finance (Department of Expenditure) have, after consideration of the matter, decided not to grant the aforesaid pay grade of Rs.5000-8000/- to the applicants. The aforesaid decision has been conveyed by the Ministry of Agriculture in their letter of 23.8.2001 (Annexure A-1).

4. The learned counsel appearing on behalf of the applicants contends that the aforesaid impugned letter of 23.8.2001 is bad inasmuch as no reason has been assigned for rejecting the recommendations of the Anomaly Committee. We do not agree. Fixation of pay scales is a matter which is best left to be decided by Expert Committees. The recommendations made by the Expert

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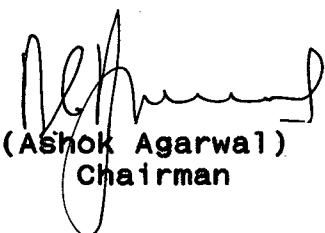
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Committees are placed before the competent authority for consideration. The competent authority, in this case the Ministry of Finance, has rejected the claim based on their own judgement in this matter. Grant of pay scales involves several considerations. For instance, one has to take into account the entry level qualifications, experience, functional requirements of the job and duties and responsibilities. Horizontal/vertical relativities are also supposed to be taken into account. It is for these reasons that the Apex Court and the Tribunal have held on several occasions that the Tribunal should desist from issuing directions fixing pay scales. A Full Bench of this Tribunal has also upheld the same ~~position~~. In this view of the matter, we do not find any substance in the claim. The OA is accordingly dismissed in limine.



(S.A.T. Rizvi)
Member (A)

/sunil/


(Ashok Agarwal)
Chairman