

CENTRAL ADMINISTRATIVE TRIBUNAL
(PRINCIPAL BENCH)
New Delhi

OA/TA No. 3299 OF 01

Baleam Singh v/s UOI

PART - I PERMANENT RECORD

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Order Sheet/Judgments

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Prepared by:	Checked by:
Signature & Date :	Signature & Date :
Name :	Name :
Designation :	Designation :

(6)

At 3299/01

at 2738/01

11.12.01

Present: S. H. P. Chakravarti, proxy for
Sh. S. Ramesh, counsel for applicant

At the request of Shri H. P.
Chakravarti, adjourned to 20.12.2001.

B. O.

on DB in C-I
list in C-3
only one DB.

C. O. - C. P.

Poly

20.12.2001

2.
OA 3299/2001
MA 2738/2001

Present : Shri B.S. Mainee, learned counsel for the applicants.

In this case the relief sought by the applicants to remove the discrimination against the applicants who are Assistant Extension Officers in the Department of Extension in the Ministry of Agriculture by not giving them upgradation scale of Rs.6500-10500 w.e.f. 1.1.1996 which has been given to Senior Technical Assistants in the Department of Cooperation in the same Ministry. He submits that right from the very beginning i.e. after the recommendations of the first Central Pay Commission the pay scale of the STAs in Department of Agriculture and Cooperation and AEOs in Directorate of Extension are identical. He has further submitted that by order dated 8.10.99 the posts of STAs have been placed in the pay scale of Rs.6500-10500 w.e.f.1.1.1996 but the same very recommendations of the duly approved by the Internal Finance of the Ministry of Agriculture when sent to the Implementation Cell, Department of Expenditure, Ministry of Finance has been turned down without any reason which has led this discrimination against the applicants.

2. Noting the above, I direct issuance of notice to the respondents, returnable in four weeks. Two weeks thereafter for rejoinder.

List on 15.2.2002 before JR for completion of pleadings.

(Govindan S. Tampi)
Member, (A)

sk

*Notices issued
on 26/12/01
A1, 2, 8, 12, 14
A3. uwa 1st
Reply not filed*

13.

QA 3299/2001
MA 2738/2001

15.02.2002

Present : None for the applicant.

Shri Armesh Kumar Sharma, A.A.O., Departmental
Representative on behalf of respondents.

Departmental Representative seeks four weeks time
for filing of reply. Time is granted.

To be again listed before the Registrar court on
03.05.2002.

M
(B.L. WANCHOO)
DY. REGISTRAR

'rach'

Counter A filed

Item-4

03.5.2002

OA-3299/2001

MA-2738/2001


PresentL: Ms.Meenu Mainee proxy counsel for Sh.
B.S. Mainee for the applicant.

Sh. Y.S.Chauhan counsel for the
respondents.

Ld. Counsel for

Respondents states that they have filed the
counter reply in the registry yesterday i.e on
2.5.2002. The applicant has received a copy of the
same. Rejoinder be filed within two weeks thereafter.

List before J.R. on 4.6.2002.


(V.K. BAWA)
Jt:Registrar

RB.

*Counter filed
Rejoinder filed*

05.

OA 3299/2001
MA 2738/2001

04.06.2002

Present : Shri Balram Singh, applicant in person.

Ms. Pratibha Sharma, proxy counsel for Shri
M.M. Sudan, counsel for respondents.

Applicant who is present in person seeks two weeks
time for filing of rejoinder. Time is granted.

To be listed again before the Registrar Court on
02.08.2002.

(B.L. WANCHOO)
DY. REGISTRAR

rach

OA not admit

Reply file

Rejoinder not file

Fresh MA Production of Record

No. 1

OA-3299/2001

MA-2738/2001

MA-1628/2002

02.08.2002

Present : Ms. Meenu Mainee, proxy for Sh.B.S.
Mainee, counsel for applicants.
Sh. M.M. Sudan, Sr. Standing Counsel for
respondents.

Heard.

Learned counsel for the respondents Sh.
M.M. Sudan who is present in Court accepts notice on
MA-1628/2002. He seeks and is granted two weeks time
to file reply to the said MA.

List the MA for hearing on 03.09.2002.

(Govindan S. Tampi)
Member(A)

(Dr. A. Vedavalli)
Member(J)

OA not admitted
Reply - filed
Rej - filed
Reply to MA - filed

No.7

OA-3299/2001, MA-1628/2002

03.09.2002


Present : Ms. Meenu Mainee, proxy for Sh. B.S. Mainee,
counsel for applicants.
Sh. M.M.Sudan, Sr. Standing Counsel for respdts.


Pleadings in the case are complete.

Admit subject to preliminary objections, if any,
raised by the respondents.

List the case for final hearing in its own turn.

MA-1628/2002 in OA-3299/2001 has been filed by
the applicants for production of records by the respondents.
Respondents have filed their reply to the same and the
learned counsel for respondents submits that the relevant
records will be produced for Court's perusal at the time
of the hearing of the case. Accordingly, MA is disposed
of with the direction to respondents to keep the relevant
records ready for Court's perusal.


(Govindan S. Tampi)
Member(A)


(Dr. A. Vedavalli)
Member(J)

/vv/

List before c.no 2
on 30/10/02


suo(L)

Item no: 7/R
30 Oct 2002

OA 3298/01

§

Due to paucity of time, case to
remain on Board.

Admit / Pleading Goughier
Records to be produced

Bo
H. J. J. J.
CB (CIV)

Item No.R-3
O.A. No.3299/2001
11.11.2002

a

Present : Shri B.S.Maine, learned counsel for
applicant

Shri M.M. Sudan, learned counsel for
respondents

The impugned order which has been impugned in this OA shows that the applicant was informed that the proposal on the said matter has been considered by the Deptt. of Expenditure who after consideration have not agreed to the proposal for upgradation of the existing pay scale.


2. The applicant has also arrayed Deptt. of Expenditure as Respondent No.3 in the present case. But the counter reply has been filed by the Directorate of Extension only though Shri M.M. Sudan, learned counsel has submitted that the same has been filed after consultation with the Deptt. of Expenditure.

3. It is the Deptt. of Expenditure, who had not agreed to the proposal for upgradation of the existing pay scale. We accordingly direct the Deptt. of Expenditure should also file reply.

4. Registry is directed that the matter be taken out from the list of regular matters.

5. List before the Joint Registrar for completion of pleadings on 16.12.2002.

6. Let a copy of this order be issued to both the parties DASTI.


(M.P. Singh)
Member (A)


(Kuldeep Singh)
Member (J)

/ravi/

o/c

03.

OA 3299/2001

MA 2738/2001

MA 1628/2002

16.12.2002

Present : Shri Balram Singh. applicant in person.

None for the respondents.

Pleadings are complete in this case.

List the matter before the Court for admission on.

17.01.2002.



(PRITAM SINGH)
DEPUTY REGISTRAR

"rach"

Admit
Pleading complete
MA 2738/01 for joining
MA 1628/02 already disposed of 3/9/02
^

P-4.

22-1-03

GA 3298/01

MA 2738/01

MA 1628/02

4

Present:- Sh. B. S. Nair, 1st Counsel for the
applicant.

Sh. K. S. Chaudhary, 1st Counsel for the
respondents.

Disr on 24-1-03

(Gavindan S. Pandey)
M(A)

(Smt. Lakshmi Swaminathan)
V(A)

12
R-8

DA 3299/2001

MA 2738/2001

MA 1620/2002

27.1.2003

Present: Smt. Sumedha Sharma for Shri B.S. Mainee,
counsel for applicants

None for respondents even on the second call

List on 28.1.2003.

h
(Shanker Raju)
Member (J)

/sunil/

h
(Govindan S. Tampi)
Member (A)

R-4

13

28.1.2003
OA 3299/2001
MA 2738/2001
MA 1628/2002

Present: Shri B.S.Mainee, counsel for applicants

Shri M.M.Sudan, counsel for respondents

At the request of learned counsel for
respondents, list on ~~30~~²⁸.1.2003.



(Shanker Raju)
Member (J)



(Govindan S. Tampi),
Member (A)

/sunil/

14
R-7

30-1-2003

OA 3299/2001

MA 2738/2001

MA 1628/2002

Present : None for the applicant.

Sh. M.M.Sudan, counsel for the respondents.

At the request of Sh. M.M.Sudan, learned
counsel, list on 13-2-2003.

Sh
(Shanker Raju)
Member (J)

2
(Govindan S.Tampi)
Member (A)

Vibha

1

13

No. 3R

OA-3299/2001, MA-2738/2001, MA-1628/2002

13.02.2003

Present : Sh.B.S. Mainee, counsel for applicants.
Sh. M.M. Sudan, Sr. Standing Counsel
for respondents.

Learned counsel for applicants seeks an
adjournment on the ground of personal difficulty to
which the other side has no objection.

List the case on 26.03.2003.

(Govindan S. Tampi)
Member(A)

(Dr. A. Vedavalli)
Member(J)

List before Court No. 2
As no D.B. in C. No. III

R-6.

2-4-03

16

CA - 3849/01

MA - 2738/01

MA - 1688/02

Present :- Ms. Meenu Mainee, Ed. proxy counsel for
Mr. B.S. Mainee, Ed. counsel for applicants.
Mr. M.M. Sudan, Ed. senior counsel for
respondents.

At the request of Ed. proxy counsel
for applicants, list on 08-4-03.

2
(Gurinder S. Panahi)
M(A)

JS
(Sud. Lakshmi Srinivathan)
VC(S)

1/5/07

P-3

10-4-2003

19

OA-3299/2001

MA-2738/2001

MA-1628/2002

Present; Shri B.S. Mainee through learned proxy
counsel MS. Meenu Mainee, for the
applicant

Shri M. M. Sudan, learned senior
counsel for respondents

At the request of learned proxy
counsel for applicant who submits that
Shri B.S. Mainee, learned counsel is
unwell.

List on 7-5-2003.

Vb
(V.K. Majotra)
M(A)

JB
(Smt. Lakshmi Swaminathan)
VC(J)
OA Admit

7-5-2003

18

R-16

OA = 3299/2001

MA = 2738/2001

MA 1628/2002

Present: Shri B.S. Mainee, learned counsel
through proxy counsel Mrs. Meenu
Mainee, counsel for the applicants.
Shri M.M. Sudan, learned senior
counsel for the respondents.

List on 25-6-2003.

U.K. Masotra)
Member (A)

(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

SK

O.A. 3299/2001.


Present: Shri B.S. Mainee, learned counsel for the applicants.

Shri M.M. Sudan, learned senior counsel for the respondents.

Heard both the learned counsel for the parties in part.

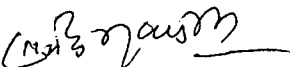
2. We note that in pursuance of Tribunal's order dated 11.11.2002, Department of Expenditure - Respondent No.3, have not filed any additional reply. It is also relevant to note that the impugned order passed by Respondent No. 1 is a non-speaking order merely stating that the proposal submitted by them to Respondent No.3 has been considered but they have not agreed to the proposal for upgradation of the existing pay scale. Shri M.M. Sudan, learned senior counsel has submitted that the reply filed by the respondents has been done in consultation with Respondent No.3 and it is mainly for the reasons set out in paragraphs 5.5 to 5.7, including upsetting of the relativities in case the proposal made by Respondent No. 1 is agreed.

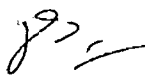
3. On the other hand, Shri B.S. Mainee, learned counsel has submitted that this is not correct because Respondent No.1 itself had strongly recommended the case of the applicants for upgradation of their pay scale from Rs.5500-9000 to Rs.6500-10000, as done in other Departments of the same Ministry, particularly National Bio-Fertilizers Development Centre (NBDC).



3. By Tribunal's order dated 3.9.2002, MA 1628/2002 was disposed of with a direction to the respondents to keep the relevant records ready for court's perusal. Shri M.M. Sudan, learned counsel has submitted that while this has been done on almost all previous dates, unfortunately the Departmental officers have not appeared today with the records for which he apologises.

4. List as Part Heard on 27.6.2003 on which date the relevant records should be kept available. On that date, copies of Paragraph 43.16 of the 5th Central Pay Commission referred to in the reply affidavit should also be kept available.


(R.K. Upadhyaya)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

'SRD'

Item No:R-1

PH.O.A. No.3299/2001

M.A. No.2738/2001

M.A. No.1628/2002

27.6.2003

Present : Shri B.S. Mainee, learned counsel for
applicants

Shri M.M. Sudan, learned senior counsel
with Shri Y.S. Chauhan, learned counsel for
respondents

Heard both the learned counsel for the parties
at length.

Shri B.S. Mainee, learned counsel for
applicants undertakes to submit the list of cases with
a copy to the opposite side, he relies upon. Shri
M.M. Sudan, learned senior counsel for respondents
has submitted the relevant departmental records,
including those of respondent no.3 for our perusal.

Order reserved.

(R.K. UPADHYAYA)
MEMBER (A)

(SMT. LAKSHMI SWAMINATHAN)
VICE CHAIRMAN (J)

/ravi/

OA 3299/2001
29/7/2003

Order pronounced to day in open
Court, by ^{Han'sle} Smt L. Swaminathan, vel D. D.B of
Han'sle Smt L. Swaminathan, vel D. and Han'sle Sh.
R.K. Upadhyaya, m(A)
Order attached.
B. M.
V. Co. eff

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. 3299/2001

New Delhi this the 29th day of July, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J).
Hon'ble Shri R.K. Upadhyaya, Member (A).

1. Balram Singh,
S/o Shri Karori Singh,
Assistant Extension Officer.
2. Smt. Suseela Harshan,
W/o Mr. M.N. Harshan.
3. Shri P.N. Gaba,
S/o late Shri B.D. Gaba.
4. Smt. Savita Vasisht,
W/o Shri B.B. Vasisht.
5. Dr. Angad Prasad,
S/o Shri Shyama Ram.
6. Smt. Renu Chauhan,
W/o Shri Ashok Chauhan.
7. Shri NN.V. Kumbhare,
S/o Shri V.J. Kumbhare.

(All are working as Assistant
Extension Officer under Directorate
of Extension, Department of
Agriculture & Co-operation (DAC),
Ministry of Agriculture, Krishi
Vistar Bhawan, Pusa, New Delhi-110 012) ...Applicants.

(By Advocate Shri B.S. Mainee)

Versus

Union of India through

1. The Secretary (A&C),
Department of Agriculture
and Cooperation,
Ministry of Agriculture,
Krishi Bhawan, New Delhi.
2. The Director (Administration),
Directorate of Extension,
Department of Agriculture &
Co-operation, Ministry of
Agriculture, Krishi Vistar Bhawan,
Pusa, New Delhi-110 012.
3. The Secretary,
Department of Expenditure,
Ministry of Finance,
North Block, New Delhi. ... Respondents.

(By Advocate Shri M.M. Sudan, senior counsel with Shri
Y.S. Chauhan).

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J).

The applicants who are working as Assistant Extension Officers (AEOs) have impugned the order issued by the respondents dated 23.8.2001 rejecting their request for revision/upgradation of the pay-scale of Rs.5500-9000 to Rs.6500-10500 w.e.f. 1.1.1996 as the same has not been agreed to by the Ministry of Finance, Department of Expenditure/Respondent No.3.

2. We have heard Shri B.S. Mainee, learned counsel for the applicants and Shri M.M. Sudan, learned senior counsel for the respondents and perused the relevant documents on record.

3. Learned counsel for the applicants has submitted that the impugned order issued by the respondents is not only arbitrary and discriminatory but is also a non-speaking order. He has submitted that absolutely no reasons have been given as to why Respondent No.3/Department of Expenditure, have not agreed to the proposal for upgradation to the higher pay-scale which itself smacks of arbitrariness. He has relied on the Minutes of the meeting of the Anomaly Committee held on 19.5.1999 in the office of the Department of Agriculture and Co-operation (DOAC)/Respondent No.1. In para 5 (ii) of the Minutes, it has been stated by the Anomaly Committee that the issue of revision of pay scale of the AEOs was considered

Y2

premature as Senior Technical Assistants (STAs) of the DOAC had not yet been given this scale as recommended by the Pay Commission. This matter is to be re-examined soon after the decision regarding placement of STAs of the DOAC in the pay scale of Rs.6500-10500 is taken. He has submitted that after the STAs had been placed in the higher pay scale of Rs.6500-10500, the Anomaly Committee had already been dissolved. Hence, the Department had considered the matter in detail and found full justification for placing the applicants at par with STAs. However, this recommendation has been rejected by Respondent No.3. He has referred to the recommendations contained in Paragraph 56.26 of the Pay Commission. He has contended that right from the first Central Pay Commission, pay scales of the STAs in DOAC and AEOs in Directorate of Extension were identical as given in Paragraph 4.5 of the O.A. He has very vehemently contended that it is only as a result of the recommendations of the 5th Central Pay Commission that the AEOs have been given a lower pay scale as compared to STAs. He has also contended that since the case of the AEOs was not considered by the 5th Central Pay Commission, the Department itself had examined and placed the same before the Anomaly Committee for consideration for upgradation of the pay scale, as mentioned above. He has submitted that the recommendations of the 5th Central Pay Commission regarding STAs have been accepted by the Government on 27.9.1999 and they have been placed in the pay scale of Rs.6500-10500. He has, therefore, submitted

Ys

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that in terms of the Minutes of the meeting of the Anomaly Committee held on 19.5.1999 referred to above, there is no reason why Respondent No.3 has not agreed to the upgradation of the posts after the Department had itself re-examined the matter and recommended the same. Learned counsel has submitted that in some other cases mentioned in Paragraph 4.9, Respondent No.3 have agreed to the upgradation of the pay-scales where there were no recommendations of the 5th Central Pay Commission, based on the proposal of the Department itself. He has, therefore, alleged that Respondent No.3 has acted in a most arbitrary manner in not approving the proposal of the Department for upgradation of the pay-scale of the AEOs which has, therefore, to be quashed and set aside. In the circumstances, he has prayed that the discrimination should be removed and the applicants should be given the higher pay scale of Rs.6500-10500 w.e.f. 1.1.1996 as done in the case of STAs of National Bio-Fertilizer Development Centre (NBDC) and other analogous posts in other offices of DOAC with all consequential benefits.

4. The respondents in their reply have controverted the above averments and have submitted that the O.A. should be dismissed as not maintainable in view of the settled law on the subject by the Hon'ble Supreme Court. Shri M.M. Sudan, learned senior counsel has also relied on the judgement of the Tribunal in Arun Kumar & Ors. Vs. Union of India & Ors. (OA 3282/2001), decided

Y/

on 11.12.2001, copy placed on record). He has submitted that in the Department, there are 66 posts of STAs, out of which 33 have been placed in the scale of Rs.6500-10500, as per the specific recommendations of the 5th Central Pay Commission. These recommendations were only for 50% of the posts as STAs in the Department and according to them, these recommendations are not applicable to the AEOs in the Directorate. They have submitted that there was no specific recommendation insofar as the STAs were concerned but in fact, all posts were within the jurisdiction of the Pay Commission. According to them, the upgradation of STAs in DOAC and else where in attached/subordinate offices in terms of the recommendations of the 5th Pay Commission is on different footing, though designation-wise or in pay scales there may be some similarity with the AEOs.

5. By Tribunal's order dated 11.11.2002, Respondent No.3 was directed to file a reply which has not been done. However, Shri M.M. Sudan, learned senior counsel has submitted that the reply filed by Respondent No.1 has been done after consultation with Respondent No.3 who have not agreed to the proposal for upgradation of the existing pay scale. This has been vehemently disputed by Shri B.S. Mainee, learned counsel, who has submitted that Respondent No. 1 had strongly recommended the case of the applicants, to upgrade their pay scale from Rs.5500-9000 to Rs.6500-10500, as done in other Departments of the same Ministry, particularly the NBDC.

In terms of Tribunal's order dated 3.9.2002 in MA 1628/2002, the respondents have produced the relevant records, including the notes of Respondent No.3 which we have perused. The respondents have submitted that only 50% of the posts of STAs have been granted the upgraded pay scale. They have further stated that although the 5th Central Pay Commission in paragraph 43.16 of its report had recommended that posts requiring minimum qualification of a Post Graduate Degree for direct recruitment could be placed in the pay scale of Rs.2000-3500 (revised to Rs.6500-10500), however, this recommendation was not to be applied uniformly. According to the respondents, such posts may be continued in the pre-revised pay scale of Rs.1600-2660 (revised to Rs.5000-8000) or Rs.1640-2900 (revised to Rs.5500-9000) on account of maintaining existing relativities and avoiding a quantum jump of 2 or 3 intermediate scales, etc. Accordingly, the respondents have submitted that the AEOs cannot be granted the upgraded pay scale of Rs.6500-10500 merely because the minimum qualification prescribed for direct recruitment to this post is a Post Graduate degree, more so when the post is also filled to the extent of 40% by promotion of Technical Assistants (TAs) who are in the pay scale of Rs.4500-7000. Any upgradation of the pay scale of the posts of AEO would, therefore, mean that TAs, on their promotion as AEOs, would jump straightaway from S-8 pay scale of Rs.4500-7000 to S-12 pay scale of Rs.6500-10500 which would mean a quantum jump of more than one intermediate

Y/L

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pay scale which cannot, therefore, be accepted. Learned counsel for the respondents has also referred to the judgement of the Tribunal in Arun Kumar's case (supra).

6. We have carefully considered the submissions made by the learned counsel for the parties and the records of the case, including the relevant notes of the Departmental files submitted by the learned counsel for the respondents. The impugned memorandum issued by Respondent No.1 rejecting the claim of the applicants for upgradation of their pay scales to Rs.6500-10500 merely states that the proposal has been considered by respondent No.3 but has not been agreed to by them. Hence, the claim was rejected and the case was treated as closed. No doubt, this memorandum does not disclose what yardstick or criteria weighed with Respondent No.3 in rejecting the proposal made by the Ministry of Agriculture - DOAC. However, as submitted by Shri M.M. Sudan, learned counsel, details of the reasons for the rejection of the proposal have been spelt out in the reply affidavit on behalf of the respondents which has been done in consultation with Respondent No.3 in particular with regard to Paragraphs 5.4-5.7. We find from the Departmental file that these averments are correct. Therefore, in the facts and circumstances of the case, while no reasons have been given as to why Respondent No. 3 had rejected the proposal for upgradation of the existing pay scale of the AEOs, the same have been disclosed in the reply affidavit which has

Y.S.

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been approved by Respondent No.3 in draft form. Therefore, in the facts and circumstances of the case, the contention of the learned counsel for the applicants that since the impugned memorandum is a non-speaking order, the same should be quashed and set aside and the applicants should be given the relief cannot be accepted and is accordingly rejected.

7. Much reliance has been placed by the applicants on the recommendations of the Anomaly Committee as contained in Paragraph 5.5 of the Minutes of the meeting held on 19.5.1999. It is noted from the Departmental file that the DOAC had sent their proposal for upgradation of the pay scale of the AEOs to Respondent No.3/Ministry of Finance, subsequently furnishing them also with certain clarifications required by them in the notes sent in May, 2001. These proposals have been turned down by Respondent No.3 after consideration by their note dated 6.7.2001. This would, therefore, show that the matter has been re-examined by the concerned Departments after the decision regarding placement of the STAs in the pay scale of Rs.6500-10500. Therefore, the contention of the learned counsel for the applicants to the contrary cannot again be accepted in the circumstances of the case.

8. Having regard to the reasons given by the respondents for not accepting the proposal of Respondent No.1/DOAC for upgradation of the posts of the AEOs, which

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has been mentioned in Paragraphs 5.5-5.7 of the reply, we are unable to agree with the contentions of the learned counsel for the applicants that this is a case where there has been gross discrimination or arbitrary action taken by them. The reasons given by the respondents clearly show that if the proposal of the DOAC is accepted, then the vertical relativities will be disturbed. Besides, the recommendations of the 5th Central Pay Commission contained in paragraph 5.6 of its report cannot also be ignored that merely possessing a Post-Graduate Degree by a person for direct recruitment would not suffice to place him in the revised pay scale of Rs.6500-10500, without taking into account the other relevant factors which have been repeatedly laid down in a catena of judgments of the Hon'ble Supreme Court, some of which have been referred to in the reply filed by the respondents. It is also relevant to note that only 50% of the STAs have been granted the upgraded pay scale of Rs.6500-10500 in accordance with the recommendations of the 5th Central Pay Commission. This shows, therefore, that all the STAs have not been placed in the higher pay scale which is the claim of the applicants that they should all be placed in the higher pay scale of Rs.6500-10500. The proposal made by Respondent No.1/DOAC recommending the higher pay scale to the AEOs has indeed been considered by Respondent No. 3. The reasons given by the respondents in rejecting their claim are based on reasonable classification and takes into account the relative pay scales of the feeder and promotion posts

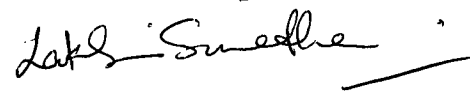
B2

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which are relevant criteria. These reasons have been brought out in the reply affidavit and cannot, be held to be either arbitrary or discriminatory justifying any interference in the matter. We have also seen the judgements relied upon by the applicants but in the context of the facts and the reasons given above, do not find that these judgements assist them.

9. In the result, for the reasons given above, we find no merit in this application. O.A. accordingly fails and is dismissed. No order as to costs.


(R.K. Upadhyaya)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

'SRD'

Copy of Order

No. 27565 /DHC/WRIT/D-RKP/2010
Dated 21-9-10

From,

The Registrar General
Delhi High Court
New Delhi

To,

1. Mr. B.S. Mainee, Counsel for the Petitioner, 240, Jagriti Enclave, Vikas Marg Extn, Delhi-92
2. Ms. Jyoti Singh, Counsel for Respondents, 516, Som Dutt Chamber-II, Bhikaji Cama Palace, New Delhi
3. The Principal Registrar, Central Admn. Tribunal, Principal Bench, Copernicus Marg, New Delhi

Reg: Petition against the order dated 29.7.03 passed by CAT in O.A. No. 3299/01

WRIT PETITION (C) NO. 11802-11808/2004

Balram Singh & others

.....Petitioner/s

Vs.

UOI & others

.....Respondent/s

Sir,

I am directed to forward herewith for information and immediate compliance/necessary action a copy of order dated 30.8.2010 passed by Hon'ble Division Bench of this Court in the above noted case alongwith a copy of memo of parties.

Please acknowledge receipt.

Yours faithfully,

A.O.J (Writs)
for Registrar General

BR/6.9.2010

CAT (PD), New Delhi
Receipt No. 927100
Date 22/9
Received by AKL

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 11802-11802 /2004. (32)

MEMO PARTIES

IN THE MATTER OF :

1. Shri Balram Singh,
S/o Shri Karori Singh.

Regular Assistant Extension Officer(AEO) in the Directorate of Extension Ministry of Agriculture since 1.6.92. However, presently, he is working as Extension Officer on ad-hoc basis w.e.f. 16.10.03.

2. Shri P.N. Gaba,
S/o Late Shri B.D. Gaba.

3. Smt. Renu Chauhan,
W/o Shri Ashok Chauhan.

4. Smt. Savita Vasisht,
W/o Shri B.B. Vasisht.

All working as Assistant Extension Officers under Directorate of Extension Department of Agriculture & Cooperation (DAC), Ministry of Agriculture, Govt. of India Krishi Vistar Bhawan Pusa New Delhi-110012.

5. Smt. Suseela Harshan,
W/o Shri M.N. Harshan.

6. DR. Angad Prasad,
S/o Shri Shyama Ram.

7. Shri N.V. Kumbhare,
S/o Shri V.J. Kumbhare.

All Ex. Assistant Extension Officers, Under Directorate of Extension, Deptt. of Agriculture & Cooperation (DAC) Ministry of Agriculture, Government of India Krishi Vistar Bhawan, Pusa, New Delhi-110012.

*** PETITIONERS.

Versus

(3)

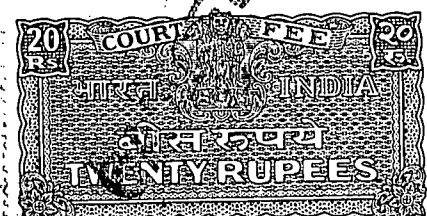
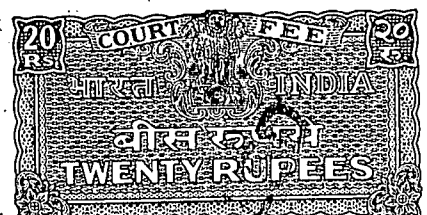
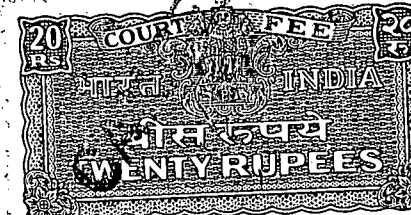
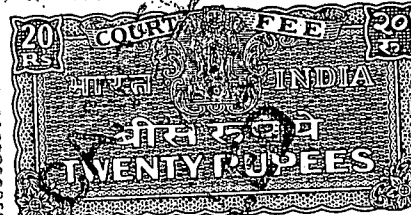
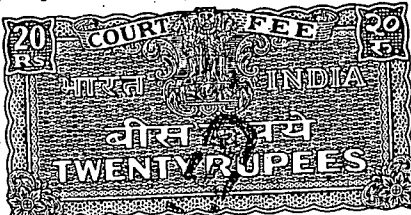
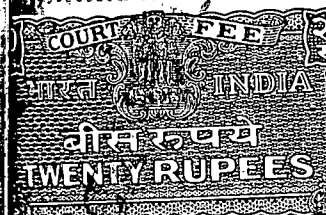
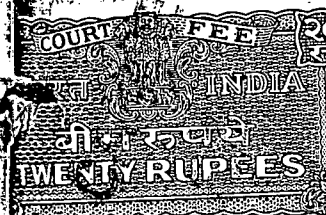
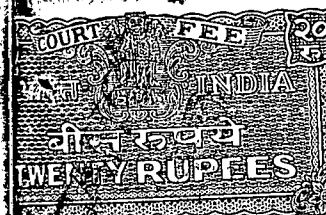
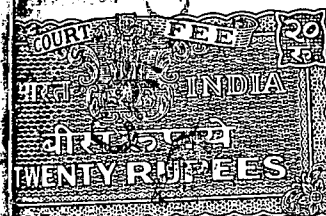
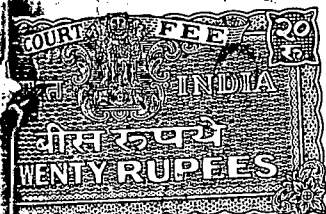
UNION OF INDIA

THROUGH :

1. The Secretary (A&C),
Department of Agriculture & Co-Operation,
Ministry of Agriculture,
Government of India
Krishi Bhawan,
New Delhi.

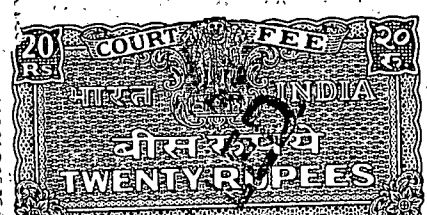
2. The Director (Administration),
Directorate of Extension,
Department of Agriculture & Cooperation,
Ministry of Agriculture,
Government of India,
Krishi Vistar Bhawan,
Pusa, New Delhi-110012.

3. The Secretary,
Department of Expenditure,
Ministry of Finance;
Government of India,
North Block,
New Delhi.



TRUE COPY
EXAMINED

(B. S. Mance)
Advocate



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 11802-11808/2004

BALRAM SINGH & ORS.

..... Petitioners

Through: Nemo.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE MOOL CHAND GARG

ORDER
30.08.2010

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1. Claim of the petitioners for up-gradation of their pay-scales to bring the same at par with Senior Technical Assistant has been rejected not only by the department but even by the Central Administrative Tribunal. It be noted that the petitioners were working as Assistant Extension Officers.
2. The Tribunal has found favour with the plea urged by the respondent that if claim of the petitioners was accepted, the vertical relativities would be disturbed.
3. On facts, the Tribunal has noted that no doubt till the 4th Central Pay Commission, pay-scales of Senior Technical Assistants and Assistant Extension Officers were the same, but has noted that with the implementation of the 5th Central Pay Commission, 50% posts of Senior Technical Assistants were granted the higher pay-scale which was being claimed by the petitioner. The Tribunal has noted that the remaining 50% Senior Technical Assistants continued to be in the same pay-scale as that of the Assistant Extension Officers.
4. The reasoning of the Tribunal is to be found in para 8 of the

impugned decision.

5. Be that as it may, since none appears for the petitioner at the hearing today, the writ petition is dismissed in default.

SAI
PRADEEP NANDRAGOG, J.

SAI
MOOL CHAND GARG, J.

AUGUST 30, 2010
dk

