

Central Administrative Tribunal, Principal Bench

O.A. No.1095/1999

New Delhi, dated this 19th day of September, 2001

(25)

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. M. P. Singh, Member (A)

Shri Bhanu Pratap,
S/o Shri Anant Prasad,
Quarter No.R/104, Sector-IV,
Baba Kharag Singh Marg,
Gole Market, New Delhi.

- Applicant

(None for the applicant)

Versus

1. Union of India,
Ministry of Agriculture,
Through its Secretary,
Krishi Bhawan,
New Delhi-110002.
2. The Ministry of Finance,
Through its Secretary,
Vitt Matralaya,
New Delhi-1.
3. The Secretary,
Department of Animal Husbandry & Dairying,
Krishi Bhawan,
New Delhi-110011.

- respondents

(By Advocate: Shri R.V. Singh)

O R D E R

Mr. M.P. Singh, Member (A):

None is present for the applicant. None was present on earlier occasions i.e. 11.7.2001 and 9.8.2001. We, therefore, proceed to dispose of the present case under Section 15 of the CAT (Procedure) Rules, 1987.

2. By filing this OA, the applicant has sought the following reliefs:-

- (i) That the impugned letter dated 10.12.1997 stating that applicant's case was considered, be set aside; and



(26)

(ii) That disparity in the pay scales which is already held to be violative of Articles 14, 16 and 19 of the Constitution of India, be set aside and applicant granted the same pay and same scale as is given to his juniors, and other colleagues and his pay fixations, seniority, promotions be not prejudiced and further the applicant be granted the arrears of pay, allowances and with interest at the rate of 18% per annum for such period as is shown available to him as he joined on 8.1.1987 till he was promoted to higher grade of A.D.P.O. on 16.10.1990.

3. The facts in brief, as stated by the applicant, are that he was appointed as Senior Technical Assistant (Poultry) (hereinafter called as 'STA (P)') in the pay scale of Rs.1,640-2,900/- (pre-revised) on 8.1.1987. While the applicant was appointed to the post of STA (P) in the grade of Rs.1,640-2,900/- some persons having academic qualification of 'Degree in Veterinary Science', were placed in two grades viz:

- (i) Senior Technical Assistant (Rs.1,640-2,900/-)
- (ii) Veterinary Officers and Assistant Veterinary Surgeon (Rs.2,000-3,500)

The IVth CPC had recommended that the persons possessing degree in Veterinary Science could be recruited in the grade of Rs.2,000-3,500/-. In pursuance of these recommendations, the respondents did not refer the proposal to the concerned department but decided themselves to grant the pay scale of Rs.2,000-3,500/- on the basis of pick and choose. Since the applicant was not placed in the upgraded scale of pay, he submitted a number of representations to the respondents. These representations were rejected by the respondents. Aggrieved by this, the applicant had filed OA No.1642/87



in the Tribunal. Thereafter the respondents have denied the benefit of upgradation of the post to other persons whereby the OA No.1642/87 became infructuous. The grievance of the applicant is that after the recommendation of the IVth CPC, he continued to be placed in the pay scale of Rs.1,640-2,900/- whereas some of his colleagues were placed in the higher scale. He has, therefore, filed the present OA seeking the aforesated reliefs.

4. The respondents have contested the case by filing the reply and have stated that the applicant was appointed as STA (P) w.e.f. 8.1.1987. The educational qualifications prescribed for the post of STA (P) as per the recruitment rules are as under:-

- (i) Degree in Animal Husbandry or Veterinary Science from a recognised University or equivalent;
- (ii) Post-graduate training in Poultry Husbandry
OR
2 years experience in Poultry production/
development extension work.

5. The IVth CPC had recommended, the pay scale of Rs.2,000-3,500/- for posts for which the minimum educational qualification prescribed as per the recruitment rules was Degree in Veterinary Science. The Department of Agriculture and Cooperation while implementing the recommendations of the IVth CPC granted pay scale of Rs.2,000-3,500/- to some STA (Livestock), who were possessing B.V.Sc degree. The STA (P), who were not possessing the requisite qualification i.e. B.V.Sc. degree were given the pay scale of Rs.1,640-2,900/-. The view of the Government on the case was that the higher



scale of pay would only be provided if minimum recruitment qualification prescribed in the recruitment rules is a degree in Veterinary Science and alternate qualifications would not be eligible.

6. The Vth CPC had recommended a pay scale of Rs.2,200-4,000/- as the entry grade for all posts requiring a degree of B.V.Sc. and Animal Husbandry with registration in the Veterinary Council of India as the minimum essential qualification. The recommendation of the Vth CPC is effective from 1.1.1996 and not from retrospective date i.e. 1.1.1986.

7. It is submitted by the respondents that the averments made by the applicant that his seniority, cadre, promotion and service conditions have been affected by the implementation of the IVth CPC are totally wrong, baseless and misleading. According to them, the applicant has tried to equate the discipline of Senior Technical Assistant (Livestock), (hereinafter called as 'STA (LS)') with STA (P), which is wrong. As per the recruitment rules for the post of STA (LS) and STA (P), the educational qualification for the both posts is a degree in Animal Husbandry or Veterinary Science from a recognised University or equivalent whereas the experience required for appointment to these posts is completely different. The channels of promotion for STA (LS) and STA (P) are also separate. The next promotion grade for STA (LS) is Assistant Livestock Officer (hereinafter called as 'ALO') whereas for the post of STA (P), the next promotion grade, is Assistant Poultry Development Officer

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(hereinafter called as 'APDO'), the post to which the applicant had already been promoted on 16.10.1990 ~~only~~ i.e. after three and a half years of service. This alone would be enough to demonstrate that the service condition, seniority, promotion of the applicant has not been affected in any way. As the applicant does not possess degree in Veterinary Science, he cannot be granted the upgraded scale of pay. Besides, he cannot register himself with the Veterinary Council of India.

8. It is further stated by the respondents that when the recommendation of Vth Pay Commission was implemented w.e.f. 1.1.1996, it was decided by them to withhold the grant of revised pay scale of those STAs who were granted upgraded scale of Rs.2000-3500 w.e.f. 1.1.86. These STAs, now working as ALOs, filed a case as OA No.1228/1998 before the Principal Bench. The Tribunal vide its judgement dated 15.3.1999 stated that Degree in Animal Husbandry was never awarded by any University in India and that for posts with minimum qualification of Degree in Veterinary Science, the scale of Rs.2,000-3,500/- has been rightly fixed. In view of the above submissions, the application does not merit consideration and is liable to be dismissed.

9. Heard the learned counsel for the respondents.

10. It is an admitted fact that the IVth CPC had recommended a pay scale of Rs.2,000-3,500/- for posts for which the minimum educational qualification prescribed as per recruitment rules was degree in Veterinary Science.



Accordingly, the respondents while implementing the recommendation of IVth CPC granted pay scale of Rs.2,000-3,500/- to some STAs who were possessing B.V. Sc. degree. The STAs who were not possessing the requisite qualification of B.V. Sc. degree were placed in the scale of Rs.1640-2900. From the records placed before us, we observe that the whole matter regarding the upgradation of the post of STA was placed before the Vth CPC. The Vth CPC an expert body to consider the pay scales of various posts, has now recommended the upgradation of pay scale of Rs.2,200-4,000/- to those Veterinary posts prescribing degree in Veterinary Science as the minimum essential qualification with registration in Veterinary Council of India. The Vth CPC has also recommended that posts, requiring a degree of BV Sc. and Animal Husbandry with registration in the Veterinary Council of India as the minimum essential qualification may be placed in a common entry grade corresponding to the existing entry grade as applicable to GDMO and Dental Doctor in the Govt. of India. The Vth CPC have considered the degree in Veterinary Science as comparable to MBBS degree and hence, the recommendation for upgradation of their pay scale to Rs.2,200-4,000/-. Since the applicant does not possess the degree in Veterinary Science, he is not eligible and cannot be appointed to the upgraded post of STA (Rs.2,000-3,500/-) w.e.f. 1.1.86. We also find that there is no disparity in pay scale as STA (P) and STA (LS) as these are two different posts with different duties and responsibilities.

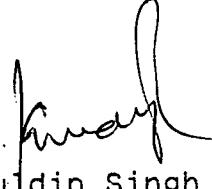


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(31)

11. For the reasons stated above, the present application is devoid of merit and is accordingly dismissed. No costs.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

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