

Central Administrative Tribunal
Principal Bench

O.A. No. 11 of 1998

New Delhi, dated this the 31st May, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

1. IARI Stenographers Welfare Assn.,
through its President
Shri R.S. Bindra,
S/o Shri Joginder Singh Bindra,
R/o 415/2, Gurudwara Road,
Bhogal, New Delhi-110014.
 2. Shri Shamsher Singh,
S/o Shri Brij Singh,
R/o WZ-84-A, Chaukhandi Extension,
New Delhi-110018.
 3. Shri Thakur Dass,
S/o late Shri K.R. Chhabra,
R/o 85, Prem Nagar,
Goshala Road,
Ghaziabad.
 4. Ministerial Staff Association,
IARI, Pusa, New Delhi
through its Secretary
Shri R.D. Sharma,
S/o late Shri Shiv Chand,
R/o House No. F-152, Sadh Nagar Part II,
Palam Colony,
New Delhi-110045.
 5. Shri Atul Kumar Mathur,
S/o Shri M.M. Mathur,
R/o 48-A, Laxmi Vihar Colony,
Maliwara,
Ghaziabad.
 6. Shri S.K. Gupta,
S/o Shri N.L. Gupta,
R/o 89, Agroha Kunj,
Sector 13, Rohini,
Delhi-110085.
- .. Applicants

(By Advocate: Shri B.B. Raval)

Versus

1. Indian Council of Agricultural Research,
through its Director General,
Krishi Bhawan,
New Delhi-110012.
2. The Secretary,
Ministry of Finance,
Dept. of Expenditure,
North Block,
New Delhi-110001.

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3. The Director,
Indian Agricultural Research Institute,
Pusa,
New Delhi-110012.

.. Respondents

(By Advocate: Shri V.K. Rao with Ms. Geetanjali
Goel)

ORDER

MR. S.R. ADIGE, VC (A)

Applicants who are Stenographers working in Indian Agricultural Research Institute under Indian Council for Agricultural Research, New Delhi impugn ICAR's order dated 20.10.97 (Annexure A) and seek the revised pay scale of Rs.1640-2900 w.e.f. 1.1.86 with arrears and costs.

2. Heard both sides.

3. Applicants do not deny in rejoinder the specific averments of respondents in their reply that prior to 1.1.86 Stenographers and Assistants working in ICAR Headquarters were in the pay scale of Rs.425-800 while Stenographers and Assistants working in ICAR's research institutes such as I.A.R.I were in the pay scale of Rs.425-700. On the 4th Pay Commission's recommendation Government of India adopted the revised pay scale of Rs.1400-2600 and Rs.1400-2300 for the pay scales of Rs.425-800 and Rs.425-700 respectively. However, pursuant to an order of C.A.T, Principal Bench, the pay scale of Assistants and Stenographers Grade II/C of CSS/CSSS who were in the pre-revised scale of Rs.425-800 was revised to Rs.1640-2900.

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4. By its letter dated 24.8.90 (Annexure A-1) I.C.A.R. adopted the revised pay scale of Rs.1640-2900 for Assistants and Stenographers who were in the pre-revised scale of Rs.425-800 at its Headquarters and in its institutes w.e.f. 1.1.86.

5. This was objected to by Finance Ministry O.M. dated 11.12.90.

6. Thereupon ICAR in its order dated 7.6.95 sanctioned revised pay scale of Rs.1400-2600 only to Assistants and Stenographers (Grade II) at ICAR Headquarters w.e.f. 1.1.86 for the pre-revised scale of Rs.425-800. The order made it clear that it was confined to ICAR Headquarters and to those who were in the pre-revised scale of Rs.425-800.

7. It was only later that by order dated 16.6.97 (Annexure A-5), [^]that pursuant to a decision taken by the Union Cabinet in its meeting on 29.4.97, that the competent authority had approved the unification of the cadres of Assistants/Stenographers (Grade II) at ICAR Hqr. and its Research Institute with immediate effect in pursuance of which the revised scale of Rs.1400-2600 was extended to Assistants/Stenographers (Grade II) of ICAR Research Institute from that date.

8. As applicants have not denied in their rejoinder the specific averment of respondents in their reply that prior to 1.1.86 Assistants/Stenographers (Grade II) in ICAR Research Institutes were drawing a slightly lower scale of Rs.425-700

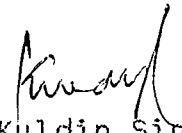
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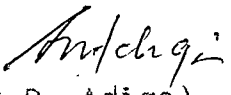
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compared to Assistants/Stenographers (Grade II) in ICAR Hqrs. who were drawing Rs.425-800, and as the merger of the cadre of Assistants/Stenographers (Grade II) in ICAR Research Institutes with the cadre of Assistants/Stenographers (Grade II) in ICAR Hqrs. took place only after the issue of respondents' letter dated 16.6.97 and the extension of the pay scale of Rs.1400-2600^{was granted} to them only w.e.f. that date, applicants have no enforceable legal right to claim arrears in the scale of Rs.1400-2600 before 16.6.97.

9. We are supported in our view by the C.A.T., Ernakulam Bench's order dated 16.3.2000 in O.A. No. 98/97 N.P. Sreenivasan & Others Vs. D.G., ICAR & Others in which an identical prayer was considered and dismissed.

10. The O.A. is, therefore, dismissed. No costs.


(Kuldip Singh)
Member (J)


(S.R. Adige)
Vice Chairman (A)

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