

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA Nos. 1974, 630, 1972 and 2357 of 1998

New Delhi, this the 24th day of November, 2000

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

OA-1974/98

1. Hardayal Meena, S/O Sh. Jai Narayana Meena, Laboratory Assistant, Bioassay Division, Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage, Department of Agriculture and Co-operation, Ministry of Agriculture, Central Insecticides Laboratory Building, NH-IV, Faridabad - 121 001, Haryana.
2. Jamuna Negi, W/O Sh. S.S.Negi, Laboratory Assistant, Bioassay Division, Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage, Department of Agriculture and Co-operation, Ministry of Agriculture, Central Insecticides Laboratory Building, NH-IV, Faridabad - 121 001, Haryana.

..Applicants.

VERSUS

1. Union of India, through the Secretary, Deptt. of Expenditure, Ministry of Finance, North Block, New Delhi-1.
2. The Secretary, Deptt. of Agriculture and Cooperation, Ministry of Agriculture, Krishi Bhawan, New Delhi-1.
3. Plant Protection Adviser to the Govt. of India, Directorate of Plant Protection, Quarantine and Storage, Deptt. of Agriculture and Cooperation, Ministry of Agriculture, Central Govt. Offices Building, NH-IV, Faridabad -121 001.
4. Director, Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage, Deptt. of Agriculture and Cooperation, Ministry of Agriculture, Central Insecticides Laboratory Building, NH-IV, Faridabad -121 001, Haryana.

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5. Joint Director (Bioassay), Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage, Deptt. of Agriculture and Cooperation, Ministry of Agriculture, Central Insecticides Laboratory Building, NH-IV, Faridabad -121 001, Haryana.

...Respondents.

OA NO.630/1998

1. Shri Kailash Chander Diwan, S/o Late Shri Bodh Raj Sewak, Senior Technical Assistant, Division of Toxicology, Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage, Department of Agriculture and Co-operation, Ministry of Agriculture, Central Insecticides Laboratory Building, N.H. - IV, Faridabad-121 001
2. Shri Jagdish Chander Malik, S/o Shri Lal Chand Malik, Senior Technical Assistant, Division of Toxicology, Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage, Department of Agriculture and Co-operation, Ministry of Agriculture, Central Insecticides Laboratory Building, N.H. - IV, Faridabad-121 001
3. Murari Lal Choudhary, S/o Shri Inderjit Singh, Senior Technical Assistant, Division of Toxicology, Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage Department of Agriculture, Central Insecticides Laboratory Building, NH - IV, Faridabad-121001

.....Applicants

VERSUS

1. Union of India, through the Secretary, Deptt. of Expenditure, Ministry of Finance, North Block, New Delhi-1.
2. The Secretary, Deptt. of Agriculture and Cooperation, Ministry of Agriculture, Krishi Bhawan, New Delhi-1.
3. Plant Protection Adviser to the Govt. of India, Directorate of Plant Protection, Quarantine and Storage, Deptt. of Agriculture and Cooperation, Ministry of Agriculture, Central Govt. Offices Building, NH-IV, Faridabad -121 001.
4. Director, Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage, Deptt. of Agriculture and

Cooperation, Ministry of Agriculture,
Central Insecticides Laboratory
Building, NH-IV, Faridabad -121 001,
Haryana.

5. Joint Director (Bioassay), Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage, Deptt. of Agriculture and Cooperation, Ministry of Agriculture, Central Insecticides Laboratory Building, NH-IV, Faridabad -121 001, Haryana.

...Respondents.

OA NO.1972-9198

1. Dr. Sanjay Kumar, S/o Sh. Dushyant Singh Chauhan, Technical Assistant, Bioassay Division, Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage, Department of Agriculture and Co-operation, Ministry of Agriculture, Central Insecticides Laboratory Building, N.H. - IV, Faridabad-121001
2. Shri Gopi Chand, S/o late Sh. Sunahari Lal, Technical Assistant, Bioassay Division, Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage, Department of Agriculture and Co-operation, Ministry of Agriculture, Central Insecticides Laboratory Building, N.H.- IV Faridabad-121 001
3. Shri Mahesh Chandra, S/o Sh. Bhikhari Lal, Technical Assistant, Bioassay Division, Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage, Department of Agriculture and Co-operation, Ministry of Agriculture, Central Insecticides Laboratory Building, N.H.- IV Faridabad-121 001
4. Shri Ramesh Chandra, S/o Shri Nathi Lal, Technical Assistant, Bioassay Division, Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage, Department of Agriculture and Co-operation, Ministry of Agriculture, Central Insecticides Laboratory Building, N.H.- IV Faridabad-121 001
5. Shri Ashok Kumar, S/o Shri Chunni Lal, Technical Assistant, Bioassay Division, Central Insecticides Laboratory,

Directorate of Plant Protection, Quarantine
and Storage,
Department of Agriculture and Co-operation,
Ministry of Agriculture,
Central Insecticides Laboratory
Building, N.H.- IV
Faridabad-121 001

6. Shri Brijesh Kumar, S/o Sh. Rameshwar Dayal,
Technical Assistant,
Bioassay Division,
Central Insecticides Laboratory,
Directorate of Plant Protection, Quarantine
and Storage,
Department of Agriculture and Co-operation,
Ministry of Agriculture,
Central Insecticides Laboratory
Building, N.H.- IV
Faridabad-121 001
7. Shri Durga Prasad, S/o Shri Umrao Singh
Technical Assistant,
Bioassay Division,
Central Insecticides Laboratory,
Directorate of Plant Protection, Quarantine
and Storage,
Department of Agriculture and Co-operation,
Ministry of Agriculture,
Central Insecticides Laboratory
Building, N.H.- IV
Faridabad-121 001
8. Shri Vijay Pal Singh,
S/o Shri Kale Singh
Technical Assistant,
Bioassay Division,
Central Insecticides Laboratory,
Directorate of Plant Protection, Quarantine
and Storage,
Department of Agriculture and Co-operation,
Ministry of Agriculture,
Central Insecticides Laboratory
Building, N.H.- IV
Faridabad-121 001
9. Shri Subhadra Kumari, S/o Sh. Satish Kumar,
Technical Assistant,
Bioassay Division,
Central Insecticides Laboratory,
Directorate of Plant Protection, Quarantine
and Storage,
Department of Agriculture and Co-operation,
Ministry of Agriculture,
Central Insecticides Laboratory
Building, N.H.- IV
Faridabad-121 001

.....Applicant

VERSUS

1. Union of India, through the Secretary,
Deptt. of Expenditure, Ministry of
Finance, North Block, New Delhi-1.

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2. The Secretary, Deptt. of Agriculture and Cooperation, Ministry of Agriculture, Krishi Bhawan, New Delhi-1.
3. Plant Protection Adviser to the Govt. of India, Directorate of Plant Protection, Quarantine and Storage, Deptt. of Agriculture and Cooperation, Ministry of Agriculture, Central Govt. Offices Building, NH-IV, Faridabad -121 001.
4. Director, Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage, Deptt. of Agriculture and Cooperation, Ministry of Agriculture, Central Insecticides Laboratory Building, NH-IV, Faridabad -121 001, Haryana.
5. Joint Director (Bioassay), Central Insecticides Laboratory, Directorate of Plant Protection, Quarantine and Storage, Deptt. of Agriculture and Cooperation, Ministry of Agriculture, Central Insecticides Laboratory Building, NH-IV, Faridabad -121 001, Haryana.

...Respondents.

OA NO. 2357/1998

1. Shri Satish Kumar,
S/o Shrif Balbir Singh
Technical Assistant (Toxicology)
2. Shri Jai Prakash,
S/o Shri (late) Raghvendra Prasad,
Technical Assistant (Toxicology)
3. Shri Awadesh Kumar,
S/o Shri Hardeo Ram
Technical Assistant (Toxicology)
4. Shri Shashi Dhar Mehta,
S/o Shri Umakant Mehta,
Technical Assistant (Toxicology)
5. Shri M. Thirugnansambandam,
S/o Shri M.R. Muthuswamy,
Technical Assistant (Animal House)
6. Shri Prakash Singh Khati
S/o Shri (Late) Sharan Singh Khati
Technical Assistant (Animal House)

All working in Central Insecticides Laboratory,
Dte of PPQ&S, N.H.IV Faridabad (Haryana)-121001

..... Applicants

(By Advocate: Sh. S.K.Das in all the cases)

VERSUS

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1. Union of India, through
Secretary, Deptt. of Agriculture &
Co-operation,
Ministry of Agriculture,
Krishi Bhawan, New Delhi
2. Secretary,
Department of Expenditure,
Ministry of Finance,
North Block, New Delhi
3. Plant Protection Advisor to the Govt. of
India, Dte of Plant Protection Quarantine &
Storage, NH-IV, Faridabad-121 001
.....Respondents
(By Advocate: Sh. D.S.Mahendru in all the cases)

O R D E R

By Hon'ble Mr. S.A.T. Rizvi, Member (A):

OA 1972/98

This OA (No. 1972/1998) has been filed together with three other OAs numbered 630/1998, 1974/1998 and 2357/1998 for redressal of grievances, which are nearly identical and the applicants in all of them belong to the same Organisation and have impugned one and the same notification. We feel, therefore, that it would be advantageous and in order to deal them in this common order.

2. The facts common in all these OAs briefly stated are that the applicants are all working in the Central Insecticides Laboratory (CIL) in the Directorate of Plant Protection, Quarantine and Storage (Dte of PPQ&S) in the Department of Agriculture and Co-operation (DAC) in the Ministry of Agriculture. They have filed these OAs each impugning the Notification dated 30th September, 1997 issued by the Ministry of Finance (Department of Expenditure) for implementing the recommendations of the 5th Central Pay Commission

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(for short, 5th CPC). Their grievance in particular is that the employees situated similarly to them in the other Divisions of the CIL have been allowed a higher replacement scale despite the fact that the pay scales of these other employees together with the pay scales of some of the applicants were the same in the 3rd and 4th Pay Commissions reports. The applicants are governed by different Recruitment Rules (for short RRs) even where they belong to the same division. In most cases, the RRs were framed in the seventies and have been revised around 1990. The respondents have denied the claim of the applicants and have averred that the recommendations of the 5th CPC which are based on the considerations of entry level qualifications and the job profile of various posts are fair and just taking into account all the other relevant factors including the relativity of pay scales and structures in different organisations of the Government. The grievance of the applicants in all these cases is directed mainly against the corresponding post holders of the Chemistry Division.

3. The CIL, in various division of which the applicants are working, is headed by a Director followed by 4 Joint Directors each heading a Division of the CIL. Below this level, the hierarchy in each Division consists of Senior Scientific Officer, Junior Scientific Officer/Scientific Officer and Senior Technical Assistant/Assistant Scientific Officer. Further

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down the line are two more grades known as Scientific Assistant/Technical Assistant and Junior Scientific Assistant/Laboratory Assistant. They are working in the Chemistry, Bio-assay, Medical Toxicology and Packaging divisions of the CIL.

4. We now proceed to deal with each of the OAs, one after the other.

OANo.1972/98

5. The applicants in this OA 1972/1998 are working as TAs-Bio in the Bioassay Division. According to them, the duties of the incumbents of the Chemistry Division by and large involve chemical analysis of samples by adopting modern analytical techniques. The Bioassay Division, on the other hand, is engaged in determining the bio effectiveness of pesticides. According to them their Division also prepares the training module and information material on scientific use and management of pesticides and undertakes training of Scientists. Having regard to these aspects, the applicants' claim is that the work assigned to the incumbents of this Division is more onerous, skill oriented and highly technical in nature compared to the other Divisions, especially Chemistry Division of the CIL. The applicants are governed by the Dte. of Plant Protection, Quarantine and Storage's (TA - Bioassay) Recruitment Rules (RRs), 1979. According to these RRs, the essential qualification for direct recruitment to the post of TA (Bio) was a M.Sc. degree and alternatively

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a B.Sc. degree with 3 years experience in Laboratory/field/plant protection work. 80% of these posts were required to be filled by direct recruitment and the remaining 20% by promotion, failing which by direct recruitment. 4 of the applicants possess M.Sc degrees while the remaining 5 hold B.Sc degrees. The officials of the Chemistry Division are governed by the Dte. of Plant Protection, Quarantine and Storage Group 'C' posts (Chemistry discipline) RRs-1991. These rules provide for Post Graduate qualifications in Chemistry for direct recruitment to the post of Scientific Assistant (Chem.) which, according to the applicants, is a post equivalent to theirs. The contention of the applicants is that the aforesaid RRs also amply bring out the fact that the TAs and SAs of the various Divisions perform similar and complementary duties, and at the same time the TAs in the Bio-assay Division can be said to perform duties of a more technical/hazardous nature compared to the duties performed by the incumbents of the Chemistry Division. To buttress their argument that the TA(Bio) perform duties of a more technical nature etc, the applicants have further mentioned that they are required to evaluate the samples not only in the Laboratory but also in the fields of farmers and elsewhere.

6. The applicants have also pointed out that prior to the coming into force of the 1991 RRs, the SAs of the Chemistry Division were also designated as TA (Quality and Processing) and were then governed by the Dte of PPQ&S's RRs-1979.

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Under these earlier rules, the essential qualifications for direct recruitment as TA (Q&P) was M.Sc degree and alternatively B.Sc degree with 3 years experience. They contend that the posts of TA (Q&P) and those of Chemical Assistants, both in the Chemistry Division were merged on 4.7.1991 and following this merger the 2 posts were redesignated as SA(Chemistry) and in due course these posts were regulated by the aforesaid 1991 RRs. They have also pointed out that even though the qualifications prescribed in the 1991 RRs is a Post Graduate Degree, the actual incumbents in that Division were still holding degree qualifications in terms of the previous RRs. They have pointed out that like the officials of the Chemistry Division, they also had represented on 6.9.1995 for change in their designation but this could not take place. The impression sought to be created here is that if they had succeeded in securing redesignation, they too would have been considered for the grant of higher scale of pay on par with SA (Chem.).

7. The recommendations of the 5th CPC reproduced in the O.A. in respect of Group 'B' and 'C' level officials of the Dte. of PPQ&S. would go to show that the pay scale of TAs (Bio), 9 in number, has been revised upward from Rs. 14000 - 23000 to Rs. 1600 - 2660, and in the case of SA (Chemistry), 44 in number, the scale has been revised upward from Rs. 1400 - 23000 to Rs. 1640 - 2900. This has been done, according to the 5th CPC, keeping in view the job profile of posts

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requiring minimum educational qualification of B.Sc and M.Sc degrees at the entry level. The different pay scales recommended by the Commission have been termed, not as revision, but as rationalisation.

8. The applicants are quick to point out that the recommendation of the Commission is not uniform in respect of the posts with B.Sc as the entry level qualification. According to them, the Commission has not given any explanation for this anomaly. In respect of few posts with educational qualification of M.Sc at the entry level, the 5th CPC has recommended the pay scale of Rs. 2000 - 3500 from the existing pay scale of Rs. 1640 - 2900. These recommendations cover 3 posts which include Assistant Scientific Officer (Chemistry) and Senior Technical Assistant (Bio). The respective designations carry 7 and 4 posts respectively. Incidentally at this stage in their O.A., the applicants have admitted that the only reason for the 5th CPC's recommendations seemed to be that the TAs (Bio) have B.Sc as their entry level qualification. They have also argued in the same context that the degree of B.Sc with 3 years experience as in their case should be deemed to be equivalent to M.Sc degree, and accordingly they should have been considered by the 5th CPC for the grant of the revised scale on par with SAs (Chemistry). Yet another argument put forward by the applicants is that if the posts held by them are not upgraded to the scale of Rs. 1640 - 2900, the applicants cannot be promoted to the rank of

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STA (Bio) as then there will be a gap in the relevant pay scales in that they will then have to be promoted from the pay scale of Rs. 1600 - 2660 to Rs. 2000 - 3500. The applicants have further claimed that a single seniority list is maintained by the Dte of PPQ&S for TA (Q&P), TA (Bio), TA (Tox), TA (AH), etc. and thus in effect these feeder cadres to different posts of STAs have a single seniority list. Comparing the educational qualifications of the existing incumbents, the applicants have claimed that 28 out of the 44 SAs (Chemistry) possess B.Sc qualifications; whereas out of the 9 applicants (TA-Bio) only 4 possess B.Sc qualification. The rest, in both the cases possess M.Sc/higher qualifications. Based on this comparison, they have reiterated their contention that placing them in a lower scale is incorrect.

9. The applicants have gone to the extent of comparing the pay scales and designations obtaining in their Directorate with those obtaining in the Ministry of Industry. For this purpose, they have mentioned the rank of SIPO in that Ministry in respect of which different qualifications are prescribed for SIPOs working in 5 different disciplines. Having regard to this peculiar feature seen in that Ministry, the 5th CPC left the matter unsettled by saying that "it may not be feasible or desirable to revise the pay scales of one group of posts merely on the basis of recruitment qualifications".

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10. The applicants have stated that they had filed a representation with the respondent No.3 way back on March 5, 1997. However, a formal reply thereto is still to be received. The issuance of the impugned notification of 30th September, 1997, is, however, treated by them as rejection of their representation.

11. In their rejoinder the applicants have stated that their Association has moved the Anomaly Committee demanding upgradation of their pay scales in line with the relief sought in this O.A. According to them, although a long period of time has since elapsed, the said Committee does not seem to have considered the matter so far and the same is under consideration.

12. In the grounds taken for relief, the applicants have covered the same grounds more or less which have already been covered in the preceding paragraphs. They have, however, raised issues like violation of Articles 14 and 16 of the Constitution and of the principle of equal pay for equal work enshrined in Article 39 (d) of the Constitution.

13. According to the respondents, the applicants in OA No. 1972/1998 together with LAs(Bio) and the STAs(Bio) form an independent and separate/integrated cadre in which LA (Bio) is the feeder for JA (Bio) and the latter is the feeder for STA (Bio). The minimum educational qualification required for LA(Bio), earlier placed

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in the pre-revised scale of Rs.1200 - 2040, is the B.Sc degree at the entry level. Therefore, on this basis and keeping in view the job profile, the LA (Bio) has been given the higher pay scale (pre-revised) of Rs. 1400 - 2300 and like-wise, in the case of TA (Bio), earlier placed in the pre-revised scale of Rs. 1400 - 2300 on the basis of minimum B.Sc degree qualifications at the entry level, the pre-revised higher scale of Rs.1600 - 2660 has been given having regard to the job profile also. Further more, keeping in view the educational qualification of M.Sc as the minimum qualification at the entry level in respect of STAs (Bio), the pre-revised higher scale of Rs. 2000 - 3500 has been given in place of earlier pre-revised scale of Rs. 1640 - 2900. While doing so again the job profile of the post of STA (Bio) has been kept in view.

14. The applicants have wrongly claimed that the essential qualification for direct recruitment at the entry level in their case is a post graduate degree in Science. The respondents have clarified that graduate in Science with some experience in plant protection are also eligible. Thus a degree in Science is the mandatory and essential qualification for direct recruitment to the post of TA (Bio), the post held by the applicants. They have further clarified that in respect of SA (Chem.), a post graduate degree in Chemistry is the mandatory entry level educational qualification for direct recruitment. Thus, for this reason also the post of SA (Chem.) cannot be

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treated as equivalent to the post of the applicants (TA-Bio and both these posts constitute independent cadres with altogether different job profiles. The respondents have also denied the applicants' contention that the post of TA (Bio) which they happen to occupy at present is equivalent to TO (III), in that these two sets of posts constitute independent cadres with different job profiles. In relation to the question of educational qualifications, the respondents have stated that the applicants have incorrectly quoted from the R.Rs notified in May 1979, which have been superseded by the R.Rs notified in October, 1991 in which Master's degree has been made as essential minimum qualification for SA (Chem) (erstwhile TA (O&P)). A copy of the 1991 RRs has been placed on record by the respondents. The applicants' contention that their career prospects have been adversely affected by the 5th CPC's recommendations placing them in a lower scale than S.A (Chem.) is sought to be refuted by the respondents who have clarified the issue by stating that on par with S.As (Chem.), the T.As [A (Bio) are also entitled for next promotion to the same pay scale of Rs.2000-3500 (pre-revised). The respondents have further categorically denied the applicants' claim that a single seniority list has been maintained for T.As and LAs of various disciplines. The seniority list of 1988 produced by the applicants itself clearly distinguishes various disciplines and it is seen that separate seniority has been assigned to various disciplines in the CIL. In relation to the career prospects

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of the applicants, the respondents have further clarified that necessary changes in the RRs providing for minimum length of service as TA (Bio) for promotion to the rank of STA (Bio) have been recommended and are under process.

15. In the background of the above discussion in which the main issues raised by the applicants have been fully and satisfactorily met by the respondents, we hold that the revised pay scales recommended by the 5th CPC in respect of the applicants (TAs (Bio)) are based on the valid considerations of duties and responsibilities attached to the posts of TA (Bio), the job profile and the entry level educational qualification. The same considerations have prevailed with the Commission in recommending the revised pay scales for the post of SA (Chem.). The Commission's recommendations do not in the circumstances of this case appear to be discriminatory. The vicarious comparison sought to be made by the applicants with the Commission's recommendations with regard to the post of SIPO in the Ministry of Industry lacks tenability and cannot be given any amount of weight in considering matters on hand. By reason of the detailed explanation rendered by the respondents on each and every issue raised by the applicants, it is not possible to argue that the post occupied by them are similarly situated to the post occupied by the personnel in the Chemical Division. By the same token the question of equal pay for equal work also does not arise. We are, in the circumstances, unable to hold that

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the recommendations of the 5th CPC made in respect of the applicants are, in any way, violative of Articles 14 and 16 and 39 (d) of the Constitution.

OA No. 630/98 16. The applicants in this OA (No. 630/98) are presently employed as STA (Tox). The functions of the Toxicology Division are to evaluate the pesticides for safety parameters and to undertake epidemiological studies in defined human populations. This division also prepares training modules on safe use and management of pesticide poisoning and undertakes training of medical and para-medical personnel. The applicants' contend that in view of the specialised nature of work done in this Division, the work assigned to the staff is not only analytical in nature but is more onerous, skill oriented and highly technical as compared to the other Divisions especially the Chemical Division. Of the 3 applicants in this OA, one holds a B.Sc degree with a Post Graduate degree in Economics, and the other 2 hold B.Sc degrees along with B.Sc in Medical Technology (Lab.) in one case and with a Diploma in Medical Laboratory Technology in the other. These 3 applicants are governed by the Dte. of Plant Protection, Quarantine and Storage's STA (Tox) RRs 1979, which provide for the essential educational qualification of Master's degree for direct recruitments and alternatively of Bachelor's degree with 3 years Lab. experience. The Master's degree prescribed is a non-technical one. These rules were later superseded by the RRs of 1984 which were finally

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notified in September, 1990. These new rules provide for filling up of 2/3rd of posts by promotion, failing which by transfer on deputation. The balance 1/3rd of the posts shall be filled, according to these RRs, by transfer on deputation, failing which by direct recruitment. Thus in respect of these posts, direct recruitment can be resorted to only as a matter of last resort. The educational qualifications prescribed earlier have also been amended/changed from a Non-Technical Post Graduate degree to a Bachelor's degree in Medical Technology with 5 years experience. The qualification in Medical Technology is a highly technical qualification. The applicants contend that post graduates in Medical Technology are not commonly available and such a degree can be acquired only by government sponsored candidates. They have also pointed out that none of the posts of STA (Tox) had been filled through direct recruitment so far. In regard to STA (Chem.), the respective RRs provide for the essential qualification of M.Sc degree in Chemistry etc. for direct recruitment purposes with one year's research/practical experience. The applicants have further stated that the RRs for STA (Bio) similarly provide for post graduate qualification in Agriculture etc. with one year's Laboratory experience for direct recruitment purposes. As in the earlier OA-1972/1998, the applicants in this OA also contend that the STAs working in the different Divisions of the CIL have similar and complementary duties to perform. Similarly, here again, the applicants have stated

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that a single seniority list is maintained by the CIL in respect of the posts of TAs (Bio), TAs (Tox) etc., reiterating that in effect all the feeder cadres to the different posts of STAs have a single seniority list. Referring to the same recommendations made by the 5th CPC to which the applicants in the earlier OA have made a reference, the applicants in this case also have asserted that the 5th CPC have not made uniform recommendations and have drawn attention to the fact that while the post of TA (Tox) has been upgraded to Rs.1600 - 2660, the post of SA (Chem.) has been upgraded from the same pre-revised scale as that of TA (Tox) to Rs.1640 - 2900. They have termed this as an anomaly. The applicants have stressed that arising from the said anomaly, the applicants who are STA (Tox) have been given the revised scale of Rs.1640 - 29000; whereas the STAs working in the other Divisions have been given the higher scale of Rs.2000 - 35000 (pre-revised). The applicants in this OA also drawn a vicarious comparison with the posts of SIPOs in the Ministry of Industry, covering the same grounds. Issues concerning the violation of Articles 14, 16 and 39 (d) of the Constitution have also been raised by these applicants. These applicants had also represented against the matter in March, 1997 and the issuance of the Ministry of Finance's (MOF) Notification dated 30 September, 1997 is regarded by them as rejection of their representation. In this case also the applicants' Association has filed a representation before the Anomaly Committee in March, 1999 and had reminded

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that Committee in August, 1999, and it seems that the Committee's reaction in the matter has not been made available as yet. They want to be placed in the pre-revised scale of Rs.2000 - 3500~~0~~ instead of Rs. 1640 - 2900~~0~~, and to this extent they want the MOF's Notification dated 30th September, 1997 to be quashed.

17. In respect of the Toxicology Division of the CIL, the respondents have stated that TA (Tox) and STA (Tox) form a separate integrated cadre, and the seniority lists of these two cadres are maintained separately and each of them is covered by a separate RR. The 5th CPC has recommended the higher pay scale of Rs.1600-2660 for the TA (Tox) on the basis of B.Sc degree as the minimum educational qualification at the entry level and having regard to the job profile of this category. Nevertheless, a higher pay scale has not been recommended for the post of STA (Tox) and this category has been given only the revised normal replacement scale (pre-revised) of Rs.1640-2900. This has been done purposely for the reason that the minimum educational qualification at the entry level in so far as STA (Tox) is concerned is only B.Sc degree and not M.Sc degree.

18. In relation to the OA No. 630/1998, the respondents have submitted that the only reason in amending the RRs in respect of these applicants was to remove the qualification of post graduation earlier prescribed so as to attract more candidates, and accordingly the RRs provide for a

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minimum qualification of Batchlor's degree in Medical Technology, with experience, and not a post graduate degree. The existence of a single seniority list in this case also has been denied by the respondents who maintained that different seniority lists are maintained for different cadres. The respondents also contend that the level of specialisation required by the STA (Tox) is lower than what is required for the posts of STA (Chem.) and STA (Bio). The Pay Commission have consciously recommended only one pay scale (pre-revised) of Rs. 2000 - 3500 for all posts requiring post graduation in relevant subjects for direct entry purposes. In other matters of general interest referred to by the applicants, the respondents have in this OA also covered broadly the same grounds and have sought rejection of the various pleas of the applicants.

OANo.1974/98

19. The applicants in this OA (No. 1974/98), two in number, are currently employed as LAs (Bio) in the CIL. Both the applicants hold B.Sc degree. The first applicant has also completed his M.Sc in Botany in 1998. He joined the Dte of PPQ&S on 17.8.1989. The second applicant joined on 11.12.1995. These applicants are governed by the Dte. of PPQ&A's LA (Bio) RRs - 1975 providing for B.Sc degree as the essential qualification for direct recruitment with Biology as one of the subjects. Both the posts are required to be filled by direct recruitment. Their grievance is directed against the corresponding personnel working in the Chemistry Division of the CIL, who

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are governed by the Dte. of PPQ&A's (Chemistry discipline RRs-1991) which provide for B.Sc degree with Chemistry as one of the subjects as essential qualification for direct recruitment to the post of JSA (Chem.). The applicants consider that the post of JSA (Chem.) is equivalent to their post. Their claim is that the LAs/JSAs of the various divisions of the CIL have similar and complementary duties to perform. They also claim that LAs (Bio) have duties of a more technical nature to perform as compared to the JSAs (Chem.) of the Chemistry division. According to them, they also have some supervisory duties to perform. Prior to the RRs of 1991, the post of JSA (Chem.) was governed by the Dte. of PPQ&S's LA (Chem.) RRs - 1975. In these rules also the essential qualification prescribed for direct recruitment was B.Sc degree with Chemistry as one of the subjects. JSA (Chem.) was then known as LA (Chem.). However, the same was redesignated as JSA (Chem.) in July, 1991 and came to be governed by the above mentioned RRs of 1991. One of the applicants had also represented for a corresponding change in the designation in September, 1995, the other, having joined much later, could not do so. This request of the applicant was not acceded to. The applicants also contend that a single seniority list has been maintained by the respondents in respect of TA (Q&P), TA (Bio), TA (Tox), TA (A.H), TA (X-Ray), LA (Chem.) and LA (Bio) which according to them means that in effect all the feeder cadres to different posts of SAs/TAs have a single seniority

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list. This would lead to the conclusion, according to the applicants, that the duties of the various categories of officials posted in the various divisions of the respondents' Directorate are the same. As in the other OAs, these applicants have also made a reference to the 5th CPC's recommendations in respect of SIPOs working in the Ministry of Industry and have emphasised that it may not be feasible or desirable to revise the pay scale of one group of officials merely on the basis of recruitment qualifications. They have also referred to the 5th CPC's recommendations which clearly state that keeping in view the job profile of posts requiring minimum educational qualification of B.Sc degree at the entry level, the pay scales inter alia of LA (Bio) and JSA (Chem.) have been revised respectively to Rs.1400 - 2300 and Rs.1600 - 2660 from the existing pay scales, in each case, of Rs.1200 - 2040. In view of this the applicants contention is that the 5th CPC have not recommended the uniform replacement scale of Rs.1600 - 2660 covering all the posts with B.Sc as the entry qualification, and consequently the JSAs (Chem.) will draw the higher pay scale of Rs. 1600 - 2660 while the applicants will draw a salary in the lower scale of Rs.1400 - 2300. The applicants had filed representations against the above mentioned recommendations in March, 1997. According to them, the issuance of the MOF's Notification dated 30th September, 1997 amounts to rejection of their representation. They have claimed parity with the JSAs (Chem.) mainly on the ground of being [B

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similarly situated and have contended that the discriminatory treatment meted out to them is in violation of Articles 14, 16 and 39 (d) of the Constitution. In their reply, the respondents have reiterated whatever they had stressed while dealing with the above mentioned other OAs especially the one filed by the TAs-Bio. Besides, they have also made it clear that having regard to the educational qualifications as well as the job profile, the LAs (Bio) earlier placed in the pre-revised scale of Rs.1200 - 2040 has been recommended by the 5th CPC for the higher pay scale (pre-revised) of Rs.1400 - 2300. The next higher post of TA (Bio) which was earlier placed in the pre-revised scale of Rs.1400 - 2300 has been placed in the higher scale (pre-revised) of Rs. 1600 - 2660, whereas the STA (Bio) has been upgraded from Rs.1640 - 2900 to Rs. 2000 - 3500, both pre-revised, on the basis of the respective qualifications prescribed for these posts together with their job profiles etc. The respondents do not see any anomaly in this and have strongly denied the charge of discrimination levelled by the applicants in relation to the recommendations of the 5th CPC and the government's decision thereon. The respondents have reaffirmed that any 2 posts can be held to be similar only if, apart from the requirements of the job, the qualifications and other factors like job content, skills required, interse horizontal and vertical relativity etc. are also similar. Judged in this perspective the post of LA (Bio) and JSA (Chem.) do not appear to be similar to each other and,

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therefore, the 5th CPC, which is an expert body have taken a correct decision by placing them in 2 different scales. The other contentions raised by the applicants have also been denied by the respondents and in doing so they have covered virtually the same grounds which they have covered in the other OAs.

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20. Of the 6 applicants in this 4th OA (No. 2357/1998), 4 are currently working as TAs (Tox) and 2 others as TAs (A.H) in the CIL. The length of their service extends from 8 to 14 years. In terms of the RRs, the cadres of TAs(Q&P) of the CIL and the Regional Pesticides Testing Laboratory and Chemical Assistants of Plant Protection, Quarantine and Fumigation Stations were merged in a single cadre and redesignated as SAs (Chem.) in November, 1991 while the other posts in the Laboratory were not redesignated. In the 4th Pay Commission, the posts of TA (Tox) / (AH) and SA(Chem.) enjoyed the same pay scale of Rs.1400 - 2300 although these posts existed in different divisions of the CIL. In the 3rd Pay Commission also the pay scales of TA (Q&P), Chemical Assistant, TA (Tox) and TA (AH) were the same namely Rs.425 - 700. Thus during the 3rd and 4th Pay Commissions the said posts enjoyed the same pay scales. The duties and responsibilities assigned to the incumbents of these posts namely SA (Chem) and TA (Tox / AH), according to the applicants, are similar and comparable. The 5th CPC has changed the existing parity by

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recommending a higher pay scale of Rs.1640 - 2900 for SA (Chem) compared to the applicants in whose case the recommended scale is Rs.1600 - 2660. The applicants contend that by doing so the 5th CPC have discriminated against them and have violated articles 14 and 16 of the Constitution. The grievance of these applicants is also directed against the corresponding personnel of the Chemical Division. The RRs - 1986 placed on record by the applicants reveal that the essential educational qualification prescribed in the case of TA (AH) is B.Sc (Medical Technology) or B.Sc with Zoology with minimum 2 years experience, whereas in respect of TA (Tox), the essential qualification laid down is B.Sc (Medical Technology) or B.Sc (Biolog[y) with Medical Laboratory Technician's Certificate with 2 years experience.

21. The respondents have denied the averment of the applicants in all respects and have stated that the 5th CPC's recommendations are consistent in that keeping in view the job profiles of posts requiring the minimum qualification of B.Sc degree and M.Sc degree at the entry level, different scales of pay have been recommended and the recommendations have not been related to the salaries drawn in the past. Based on these considerations, the 5th CPC have, according to the respondents, correctly recommended the pre-revised scale of Rs.1600-2660 in respect of TAs (Tox)/(AH) as the same is the normal replacement scale in the revised scale having regard to the educational

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qualification of B.Sc degree and the job profile. The minimum entry qualification for, SA (Chem) being M.Sc degree, they have been correctly given the upgraded revised scale of Rs.5500-9000 (pre-revised 1640-2900). The posts of SA (Chem), TA (Tox) and TA (AH) are all in different cadres and have separate RRs. The allegation of discrimination is, therefore, baseless. The respondents also contend that the seniority and the recruitment rules for the Toxicology and the Chemistry Divisions are not common and accordingly the seniority/hierarchical structure of the staff working in these Divisions are also not common whether for the purpose of recruitment or for the purposes of transfer, promotion etc. The post of TA (AH) is, according to the respondents, an isolated cadre and has not been included in the cadre of Toxicology. However, in respect of them also the 5th CPC have recommended the revised scale of Rs. 5500 - 8000 (pre-revised 1600 - 2660). Further the post of TA (AH) does not constitute feeder cadre for the higher post of STA (Tox). There is full justification, therefore, in giving them the scale (pre-revised) of Rs.1600 - 2660. The respondents have asserted that the 5th CPC have, in no case, recommended the scale of Rs.5500 - 9000 for any one in the Directorate of PPQ&A in any cadre where the minimum entry qualification is a degree of graduation in Science. The 5th CPC had considered the representations filed by the applicants' association and the others and had duly taken into account the suggestions made by them. The higher

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pay scale (pre-revised) of Rs.1640 - 2900 has been correctly recommended for the post of SA (Chem) on the basis of M.Sc degree as the minimum entry level qualification. The nature of duties, job profiles and the educational qualification of the said post are different and independent and the contentions of the applicants that they are discharging more hazardous duties than the personnel of the Chemistry Division have also been denied by the respondents.

22. In their reply, the respondents have attempted a detailed explanation of revision of pay scales of some of the functionaries working in the different divisions of the CIL made in the wake of the 5th CPC's recommendations. Broadly speaking, their contention is that the revisions have been made keeping in view the job profile of the posts requiring the minimum qualifications of B.Sc degree and M.Sc degree at the entry level and not on the basis of salaries drawn in the past.

23. The respondents have asserted that the 5th CPC, before making the recommendations in question, had invited the representatives of the non-Gazetted Technical Employees Welfare Association (NGTEWA) of which the applicants are also members. The Commission had also invited the personnel working in the Chemistry Division. Th[B suggestions and the representations made by the Association of the applicants were duly considered by the Commiss[ion, who took into account all the relevant aspects including the educational

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qualification and the job profile of various posts in the CIL. The revised pay scales recommended by the Commission are contained in paras 56.25 and 56.26 of the Commission's report. The Govt. of India has accepted the recommendations of the Commission without attaching any condition with regard to disparities in the pay scales recommended by the Commission. The Govt. have, however, laid down a condition that the upgraded scales ;which require change in the R.Rs, restructuring of cadre and re-distribution of posts may be given effect to prospectively.

24. The respondents have averred that the consideration of change in designation in awarding higher pay scales as made out by the applicants in certain cases is not based on facts. The applicants form a separate and independent cadre, and the revised pay scales recommended for them are based on considerations of job profile and educational qualifications at the entry level. The pay scales awarded to the applicants are, according to the respondents, at par with the persons working in different cadres earlier placed in scales of pay identical to that of the applicants.

25. The respondents have relied on the orders of this Tribunal in OA No. 1047/1990 (Ms P. Savita V/s U.O.I. OA No. 565/1990 (Welfare Association of Young Cultural Research Scientists of India V/s U.O.I) and OA No. 1238/1996 (V. Bhaskar V/s U.O.I) to convey that it is not open to this

Tribunal to entertain the claims for change of pay scales of different categories on the ground that considerations such as these have a cascading effect and consequently any change made or recommended is likely to lead to fresh claims and demands from several other categories who might be similarly situated in different Organisations of the Government. The pay scales, appropriate to different posts, are to be decided by expert bodies like the Pay Commission and this Tribunal is not properly equipped to consider such matters of detail. According to the respondents, any 2 posts can be held to be similar only if apart from the requirements of the job, the qualifications, job content, skills required, inter-se horizontal and vertical relativity etc. are also similar. Judged by this yardstick, it is not possible nor feasible to compare the posts of TA (Bio) and the others with the posts of SA (Chem) and others in Chemical Division in the manner sought to be done by the applicants. The respondents contend that while under scoring the importance of the other Divisions of the CIL, the applicants in all the OAs have grossly exaggerated the duties and responsibilities attached to their posts and have come out with an amplified version of the importance of their Divisions. The respondents contend that the role of the Chemistry Division, with whom a comparison is sought to be established by all the applicants is by itself of paramount importance and its activities are not of a routine nature. As made out by the applicants, the 5th CPC had kept all the relevant factors in view

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including the job profiles of various posts and the minimum educational qualification at the entry stage.

26. We have mentioned that all the applicants in these OAs have compared their own with the pay scales given to the corresponding personnel in the Chemical Division. Further, at least in one OA, the applicants have also attempted to compare their fortunes with the cadre of TOs. In respect of these two cadres, the respondents have stated as follows.

27. The Commission have recommended higher pre-revised pay scale of Rs.1600-2660 for JSA (Chem.), Rs.1640-2900 for SA (Chem.) and Rs.2000-3500 for ASO(Chem.) on the basis of B.Sc degree as the minimum educational qualification at the entry level in respect of JSA (Chem) and M.Sc degree in respect of SA (Chem) and ASO (Chem). While recommending the higher pre-revised pay scale of Rs.1600-2660 in place of Rs.1400-2300 in respect of JSA (Chem) the Commission had taken in view the job profile of the personnel working in the Chemistry discipline apart from the consideration of B.Sc degree as the minimum educational qualification.

28. Referring to the posts of TO (I), TO (II) and TO (III), the respondents have stated that on the basis of B.Sc degree as minimum entry level qualification for TO (II) and TO(III), the pre-revised higher pay scale of Rs.1400-2300 and

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Rs.1600-2660 have been given to these categories which were earlier placed in the pre-revised scales of Rs. 1200-2040 and Rs.1400-2300 respectively. However, in respect of TO (I) of this integrated cadre of TO (I), TO(II) and TO(III), B.Sc is not the minimum educational qualification at the entry level, and accordingly the pre-revised higher scale of Rs.1400-2300 has not been recommended in their case. As a matter of fact, this category namely the category of TA (I) has been given only the normal revised replacement scale of Rs.975-1540.

29. At this stage of this order, it is necessary to discuss, howsoever briefly, some of the issues raised generally by the applicants in all the OAs which have not been dealt in the preceding paragraphs. One such issue raised was with regard to the alleged similarity and the complementarity of the duties performed by the functionaries working in different divisions of the CIL. We are the least convinced by this argument, in that it is all too evident that the alleged similarity and complementarity cannot be stressed to mean identity so as to enable the applicants to succeed in claiming higher pay scales. At another level, we can easily see that the functions performed in various divisions of the CIL are widely different from each other and, therefore, the duties performed by the employees in these divisions are also bound to be substantially different from each other. The existence of a single seniority list has been

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alleged by the applicants in these OAs to bring home their argument that on account of such a list being in existence and being relied upon, they all really belong to a single integrated cadre and, therefore, on this account also deserve to be placed in higher pay scales. We cannot accept this view either as the seniority lists placed on record and shown to us are clearly different lists in respect of different cadres controlled and governed by different RRs. This is, therefore, a specious argument and we discard it, therefore. In some places, mergers of old cadres giving rise to re-designations has been cited as a reason which influenced the 5th CPC in the matter of grant of higher pay scales such as the scale granted to SA (Chem.). At least, the LAs - Bio and TAs-Bio. have based their claim for a higher pay scale in part on this line of reasoning. These two cadres have expressed the view that had they also succeeded in securing re-designations on par with the corresponding personnel of the Chemistry Division, they too would have succeeded in getting higher pay scales, as in that event, the 5th CPC would not have been able to distinguish between them on the one hand and the corresponding personnel of the Chemistry division on the other. We cannot accept this argument either in view of what the respondents have clearly stated in respect of the recommendations of the Commission as being based not on designations but on educational qualifications, job profile and the other relevant factors. Arising from this aspect, some of the applicants

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have tried to focus on the existence amongst ~~the~~ their cadres of persons more qualified than some of the personnel working in the corresponding cadres of the Chemical division, who enjoyed a higher pay scale consequent upon the recommendations of the Commission. At one place at least, it has been pointed out, for instance, that out of the nine TAs-Bio, five held M.Sc degree, whereas out of the 44 SAs (Chem.) as many as 28 held B.Sc degrees. We are clear in our mind that such a position is quite possible in the wake of mergers of different cadres enjoying different pay scales and entry level qualifications prior to merger. In such situations, those having lower qualifications get phased out in due course and while they exist in the cadre they perform, if necessary with an input of inservice training the upgraded duties and responsibilities on par with the personnel having higher qualifications. We do not, in the circumstances, see any problem in the way pointed out by the applicants only in order to buttress their argument for a higher pay scale. We have already seen that a vicarious comparison with the post of SIPOs in the Ministry of Industry is entirely mis-placed and cannot be invoked to provide any help to the applicants in these OAs. We have also seen in the preceding paragraphs that in the totality of circumstances brought to our notice by the respondents it is impossible to argue that the provisions of Articles 14, 16 and 39(d) of the Constitution have, in any way, been violated by any of the recommendations made by the Commission in respect of these applicants and the

others in the CIL. The TAs-Bio have gone to the extent of arguing that B.Sc degree with 3 years experience could be equated to M.Sc degree and have accordingly argued in favour of a higher pay scale of Rs.1640-2900 to be given to them. In order seemingly to lend strength to this argument, they have also put forward the view that unless the higher scale of Rs.1640-2900 is granted to them they cannot attain the still higher scale of Rs. 2000-3500 assigned by the Commission in favour of the STAs-Bio. In our view both these arguments are ill founded and cannot be pressed into service to achieve what is otherwise not possible on a proper and thoughtful consideration of the matters in their entirety. That the TAs-Bio can and will be able to achieve the still higher scale of Rs.2000-3500 on becoming STAs-Bio, has already been explained in the preceding paragraphs and not only this, a kind of assurance has been held out by the respondents that it would indeed be possible for the TAs-Bio to secure the above mentioned pay scale of Rs.2000-3500 ultimately as and when they attain the status of STAs-Bio.

30. All things considered, we cannot possibly ignore the principle laid down in a catena of judgements of higher courts to the effect that the recommendations made by the expert bodies, like the 5th CPC, cannot be set aside and substituted by the decisions taken by law courts. The matters considered by the Pay Commissions are of a complicated nature and require deep consideration

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from a number of angles. The persons manning such Commissions are experts in their respective fields. The Courts/Tribunals are ill equipped to undertake the task of examining the issues arising at the time of consideration of cadre restructuring, revision of pay scales and designations etc. We are fortified in our views just expressed by the recent judgement of the Hon'ble Supreme Court in Secretary to Govt. & Ors Versus C. Muthu reported as JT 2000 (10) SC 541 decided on 6.9.2000, and we are tempted here to reproduce below the relevant extract from that Judgement:-

"1. The State of Tamil Nadu is in appeal against the order of the Tamil Nadu Administrative Tribunal, Madras allowing the application of the respondent and directing the Government of Tamil Nadu to grant him the pay scale fixed for the post of Chemist in the Industries Department. The Tribunal obviously has applied the principle of equal pay for equal work.

2. From the narration of facts as borne out in the impugned order of the Tribunal, it is crystal clear that the post of Chemist in the Department of Industries and the post of Chemist in the Inspectorate of Factories are borne in two different streams having different source of recruitment, prescribing different qualifications [and providing for different scale of pay. Even the learned Tribunal, on comparison of the work done by the individuals of the two posts, has come to the conclusion that the same cannot be held to be exactly of the same nature though it can be said to be of identical nature. It also further transpire that the question has been considered by different Pay Commissions from time to time and a differentiation has been maintained with regard to the pay scale of two posts.

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4. Having regard to the qualifications meant for the posts, the duties and responsibilities, nature of job as well as the mode of recruitment to the two posts in

question, we are unable to subscribe to the view taken by the Tribunal through the responsibilities discharged by the said two posts are similar and as such the post in the Inspectorate should have the same scale of pay as that of the post in the Department of Industries.

5. In granting relief while applying the principle of "equal pay for equal work", the Court or Tribunal should be very circumspect and until and unless it is established that the two posts are almost similar in all aspects, the Court or Tribunal should not venture to grant the relief sought for.

6. On going through the impugned order of the Tribunal and on the findings of the Tribunal, we have no hesitation to come to the conclusion that the Tribunal overstepped its jurisdiction in granting the relief sought for by the respondent. We, therefore, set aside the impugned order of the Tribunal and allow this appeal accordingly."

31. Moreover in this case, the Commission have duly considered the representations made by the applicants' association before making their recommendations. The recommendations made by the Commission have been accepted by the Govt. thereby putting the seal of finality on the proceedings of the Commission. The Anomalies Committees which again are expert bodies are, however, constituted after every Pay Commission to go into the anomalies found in pay scales etc. which could not be looked into by the Commissions or in respect of which full facts and circumstances could not be placed before them before their recommendations are submitted to the Government.

32. Thus, in a nut-shell, the respondents' case in all these OAs with which we are inclined to agree is that the revised pay scales recommended for the applicants are in line with the general

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approach of the Commission, which has been to grant revised scales in keeping with the duties and responsibilities of the post, the job profile, educational qualifications laid down and the horizontal and vertical relativities. We have noted that upgraded scales of pay have been recommended by the 5th CPC, as affirmed by the respondents, based on direct recruitment method and not on entry level qualification applicable in promotion posts.

33. Out of the four OAs, which we are considering in this common order, at least in two cases, namely those of TAs-Bio. and STAs-Tox., a reference has been made by the applicants to the fact that they have already requested the respondents to get their grievances set out in the respective OAs sorted out through the medium of Anomaly Committee. However, they are still awaiting a formal decision although a long time has since been elapsed. We cannot be averse to the matters being sorted out in their favour by a recourse to the Anomaly Committee as above. In respect of the others, who may not have approached the respondents for resolution of their problems through the medium of the said committee, the respondents can, if they so wish, devise an appropriate method to consider the respective grievances in a bid to find solution to the problems. We do not wish to express any views on these matters. Our views in respect of these OAs are already contained in brief in paragraph 28, 29 and 30 above.

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34. In the result, the OAs are disposed of as above. There shall be no order as to costs.

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S.A.T. Rizvi
(S.A.T. RIZVI)
MEMBER (A)

Kuldip Singh
(KULDIP SINGH)
MEMBER (J)

(PKR)