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Central Administrative Tribunal, Principal Bench

Original Application No. 90 of 1998

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

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

Trimbak Ganpatrao Kawalkar,
aged about 60 years
Retired Scientist in Grade S-1
resident of Dande Plots
Rajapeth, Amravati
Tq. and Dist. Amravati

- Applicant

(By Advocate - Shri Pramit Saxena)

Versus

1. Union of India,
Agriculture Department
through its Secretary,
New Delhi
2. Director General
Indian Council for Agriculture Research (ICAR)
New Delhi-1
3. Director,
Natural Beareo of Plants
Genetic Resources
New Delhi-11
4. Officer Incharge
National Resources of Plants,
Genetic Resources, Regional Station
P.K.V. Campus, Akola
Tq. and Distt. Akola

- Respondents

(By Advocate - Ms. Geetanjali Goel)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

In this OA, the applicant has prayed for the following reliefs:-

"That the applicant's pay scale be revised from Rs. 700-1300 to Rs. 2200-4000 as per U.G.C. pay packages applicable to the Scientists into A.R.S. Services with effect from 1.1.1986 and the benefits be given to this applicant by paying the arrears and other consequential reliefs by revising the pay scale and also paying the H.R.A. and C.C.A. from 1.1.1986. The applicant was inducted into A.R.S. with effect from 1.10.1975. The applicant had already submitted 5 years assessment to the authorities in the year 1987. That

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the applicant's pension was fixed on unrevised pay scale of Rs.700-1300 and the applicant is receiving the pension of Rs.1298.00 only which clearly demonstrate that the applicant is required to suffer irreparable pecuniary loss as his pension is fixed in Rs.700-1300 grade."

2. The applicant at the relevant time was working as Junior Botanist in the pay scale of Rs.700-1300. Respondents vide their memorandum dated 30.5.77 constituted a ~~Scheme~~^{Service} called Agricultural Research Service (in short 'ARS') and applicant was given option to become member of that Service. He was given six months time to give his acceptance if he wanted to be inducted into ARS. However, the applicant gave his acceptance only on 31.3.87 i.e. after a lapse of about 10 years. Respondents did not accept the same being time barred. The applicant superannuated on 31.5.95. His retiral benefits had been fixed taking into consideration the pay scale in which he was working before retirement on superannuation and his pension had been fixed at Rs.1298/-.

3. The grievance of the applicant is that despite the fact that he has given his acceptance to become a member of ARS, he has not been inducted into that Service and not only that, his pay scale has not been revised even in accordance with the 4th Pay Commission's recommendations and his retiral benefits had been fixed as per pre-revised pay scale of Rs.700-1300.

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4. It appears to be a very hard case in view of the fact that not only the employees working in Govt. offices but even those who had been working in other organisations were given the benefits of pay revision comparable to the recommendations of 4th Pay Commission but in the case of applicant, he had not been given either the benefits of those recommendations and even otherwise his pay had not been revised. He made several representations to the respondents for his induction into ARS and revision of pension in accordance with revised pay scales granted by 4th Pay Commission. Respondents did not accept his willingness which he had given much after the prescribed time limit of six months, fixed in their memorandum dated 30.5.77. Respondents have stated that applicant's case for revision of pay scale had also not been considered since the representations made by him were combined representations, whereby he had prayed for revision of pay-scale as well as for induction into ARS.

5. Now since the applicant has already superannuated, the question of his induction into ARS does not arise. But we feel that respondents can at least be directed to consider applicant's case for revision of pension and other retiral benefits in accordance with revised pay scales granted by 4th Pay Commission.

6. This OA is, therefore, partly allowed with a direction to applicant that he shall submit a self-contained representation to respondents for

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revision of his pension and payment of other retiral benefits in comparison with the revised pay scales recommended by 4th Pay Commission. Respondents shall dispose of the that representation of the applicant within a period of two months from the date of its receipt by a detailed, speaking and reasoned order. If the applicant has still any grievance on the order as passed by respondents, he will be at liberty to agitate the same by filing a fresh OA.

7. O.A. stands disposed of with the above directions. No costs.



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



(Kuldeep Singh)
Member (J)

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