

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

DA No. 2912/97

New Delhi: this the 29th day of MARCH, 2001

29

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Dr. S. C. Yadav,
S/o Sh. Jai Singh Yadav,
R/o 17, Shiv Nagar, IVRI Road,
Izatnagar, Bareilly (UP),
and working as Scientist (Sr. Scale),
Division of Parasitology,
IVRI Izatnagar,
under ICAR Applicant.

(By Advocate: Shri S. S. Tewari).

Versus

1. Indian Council of Agricultural Research,
through
Director General, ICAR,
Krishi Bhawan,
New Delhi.

2. Director, IVRI,
Izatnagar,
Bareilly (UP)

..... Respondents.

(By Advocate: Shri B. S. Mor)

ORDER

S. R. Adige, VC (A):

Applicant impugns respondents' Memo dated 18.2.97 (Annexure-A) rejecting his request for counting of his past service for placement in the scale of Rs. 3700-5700 w.e.f. September, 1994.

2. Applicant had worked as a Jr. Scientist in a Research Project in Raja Balwant Singh College, Agra in the grade of Rs. 700-1600 from 7.9.81 to 26.2.86. He joined the IVRI services on 27.2.86 as Scientist in the scale of Rs. 2200-4000 through direct recruitment. The Recruitment Rules provide for 8 years' regular service in the pay scale of Rs. 2200-4000 for being considered for placement in Senior Scale of Rs. 3000-5000. Three years' relaxation was given to those who possessed

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20

Ph.D degree. As applicant was having Ph.D degree, he was promoted in Senior scale of Rs. 3000-5000 w.e.f. 27.2.91 upon expiry of five years. For the purpose of further promotion to Scientist (Selection Grade)/ Senior Scientist in the scale of Rs. 3700-5700, the respondents have stated in para 2 of their reply which has not been expressly denied in the corresponding para of applicant's rejoinder that applicant would become eligible only after 8 years service in scale of Rs. 3000-5000/- i.e. on 27.2.99.

3. In the grounds taken in the OA it is contended that ~~once~~ respondents had adopted the UGC package vide order dated 9.3.89, they are duty bound to adhere to all the instructions issued by the UGC pertaining to counting of past service for purpose of Senior scale/selection grade. In this connection emphasis has been placed on the contents of UGC's letters dated 29.1.90 and 21.11.90 (Annexure-D colly) which, it is contended, respondents are bound to follow.

4. We have considered these contentions carefully.

5. As pointed out by respondents in their reply, ICAR is a society registered under the Societies Registration Act having its own rules/ byelaws, by virtue of which specific rules have been framed relating to service conditions of its scientists. Para 16 of letter dated 9.3.89 no doubt refers to the adoption of UGC pay package by ICAR but goes on to add the scheme of assessment, recruitments etc. stood modified w.e.f. 1.1.86 and comprehensive instructions in this regard would be issued shortly. By ICAR subsequent letter dated 28.10.91 (Annexure-C) Comprehensive Scheme for Career Advancement by the Scientists of ICAR was formulated.

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31

which, as pointed out by respondents, does not provide for counting of past service rendered by a person in other organisation, prior to assignment under ICAR, for placement in a particular scale.

6. In so far as UGC's letters dated 29.1.90 and 21.11.90 are concerned, they relate to counting of previous service for placement in senior scale/selection grade as a Lecturer in a University/College coming within UGC jurisdiction. It is not applicant's case that his appointment as a Scientist in IVRI was an appointment as a Lecturer, and hence manifestly the aforesaid letters 29.1.90 and 21.11.90 do not advance applicant's claim.

7. During hearing applicant's counsel also relied upon the reply filed on behalf of respondents in OA No. 565/90 Welfare Association of Young Agricultural Research Scientists of India and Anr. Vs. ICAR & Ors. wherein reference has been made to the Career Advancement Scheme dated 28.10.91 for ICAR Scientists which is stated to be based on Career Advancement Policy of UGC.

8. As pointed out by respondents in their reply, while no doubt ICAR have adopted UGC pay package, it has drawn up its own Career Advancement Scheme vide letter dated 28.10.91 to suit its own requirements. Respondents have pointed out that ICAR's Scientists were involved in research work and extension activities whereas in university system under UGC, teachers are basically involved in teaching work. Designation and nature of duties for incumbents of both the systems are quite different, ^{and} so some changes were necessary in UGC system to suit the ICAR system, and ICAR is not bound to follow each and every part of UGC system. Under the circumstances, unless the applicant can establish that ICAR was bound to follow the UGC's Career Advancement Scheme in toto, which

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in the present case before us applicant has failed to establish, the reference to UGC's Career Advancement Police in ICAR's reply affidavit to OA No. 565/90, does not advance the applicant's case in the present case.

9. During the course of hearing, applicant's counsel also invited our attention to ICAR's letter dated 8.3.90, a copy of which has been taken on record, regarding introduction of revised pay scales for ARS scientists under ICAR which inter alia refers to cases of Dr. Sushil Kumar & Mrs. who worked in different organisations before joining the ICAR. That letter actually deals with the gap period involved in terms of journey time taken by them for taking up appointment at different places under different organisations. The personal information (Schedule V of the Faculty Members of the University IVRI has also been annexed with that letter but the contents of those documents are not sufficient to satisfy us that applicant is entitled to count his past service in RBS College, Agra for placement in scale of Rs. 3700-5700/- w.e.f. September, 1994.

10. Applicant's counsel has also referred to certain internal notings in the relevant file maintained by respondents dealing with applicant's case which we have perused but in the absence of any clear rule or instruction compelling respondents to count the past service rendered by applicant in RBS College, Agra towards placement in the scale of Rs. 3700-5700/- w.e.f. September, 1994, we find no good reason to interfere with the impugned order dated 18.2.97.

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23

11. The OA is dismissed. No costs.

A. Vedavalli

(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige

(S. R. ADIGE)
VICE CHAIRMAN (A)

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