

(B)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

New Delhi: this the 4th day of DECEMBER, 2000.

1) OA No. 421/95 with 2) OA No. 399/97
3) OA No. 402/97 and 4) OA No. 2208/97

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

HON'BLE MRS. LAKSHMI SWAMINATHAN MEMBER (J)

1) O.A. No. 421 of 1995

1. Shri Hari Om Agarwal,
S/o Shri Ram Saran Dass,
83/A-6, Krishi Niketan,
Paschim Vihar, New Delhi-110063.
2. Mrs. Ajit Kaur Bhatia,
W/o S. Rajinder Singh Bhatia,
134 B, LIG Flats, Rajouri Garden Extn.,
New Delhi-110027.
3. Shri Ashok Kumar,
S/o late Shri A.R. Mittal,
73, Tagore Park, Model Town,
New Delhi-110009.
4. Shri Aloke Lahiri,
S/o Shri N.N. Lahiri,
B-133, Chittaranjan Park,
New Delhi-110019.
5. Shri Balbir Singh,
S/o Shri Faqir Singh,
86, Rashid Market,
Delhi-110051.
6. Shri D.K. Mehta,
S/o Shri Hoturam,
362, Teliwara, Shahdara,
Delhi-110032.
7. Shri D.K. Sehgal,
S/o Shri Brij Lal Sehgal,
F-76, Rajouri Garden, New Delhi-110027.
8. Shri M.R. Vats,
S/o Shri Ram Chandra,
4709, Balbir Nagar Extn.,
Shahdara, Delhi-110032.
9. Shri M.S. Narang,
S/o Shri Harnam Singh,
D-7A, Mukhram Garden, New Delhi-110018.
10. Shri N.K. Sharma,
S/o Shri M.S. Sharma,
279/10C, Bhola Nath Nagar,
Shahdara, Delhi-110032.
11. Shri O.P. Khanduri,
S/o Shri N.D. Khanduri,
AG1/1A, Vikas Puri, New Delhi-110018.

12. Mrs. Rajinder Kaur,
W/o S. Ajit Singh,
MG-1/2, Vikas Puri, New Delhi-110018.

13. Shri R.M. Sood,
S/o late Shri D.V. Sood,
8228/C-8, Vasant Kunj, New Delhi.

14. Shri S.C. Agarwal,
S/o Brij Basi Lal,
F-4, Green Park Extn.,
New Delhi-110016.

15. Shri S.C. Mehta,
S/o Shri R.K. Mehta,
KP-306, Pitampura,
Delhi-110034.

16. Shri Arun Kumar Gautam,
S/o Shri Khushal Singh,
R/o B-5/59, Sector 4,
Delhi-110085.

.. Applicants

Versus

1. Indian Council of Agricultural Research (ICAR),
Krishi Bhawan, New Delhi-110001 through
the Director General

2. The Secretary,
ICAR, Krishi Bhawan, New Delhi.

3. Director (Personnel),
ICAR, Krishi Bhawan,
New Delhi.

.. Respondents

2) O.A. No. 399 of 1997

Shri A.K. Khullar,
S/o Shri M.R. Khullar,
R/o 43, Ram Vihar,
Dehra Dun, U.P.

.. Applicant

Versus

1. Indian Council of Agricultural Research (ICAR),
Krishi Bhawan, New Delhi-110001 through
the Director General

2. The Secretary,
ICAR, Krishi Bhawan, New Delhi.

3. Director (Personnel),
ICAR, Krishi Bhawan,
New Delhi.

4. The Director,
Central Soil & Water Conservation Research
and Training Institute,
Dehradun (U.P.)

... Respondents

3) O.A. No. 402 of 1997

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P. Joshi,
 S/o late Shri Govardhan Joshi,
 R/o 30/2, Ballupur,
 Dehradun-248001, U.P. .. Applicant

Versus

1. Indian Council of Agricultural Research (ICAR),
 Krishi Bhawan, New Delhi-110001 through
 the Director General
2. The Secretary,
 ICAR, Krishi Bhawan, New Delhi.
3. Director (Personnel),
 ICAR, Krishi Bhawan,
 New Delhi.
4. The Director,
 Central Soil & Water Conservation Research
 and Training Institute,
 Dehradun (U.P.) ... Respondents

4) O.A. No. 2208 of 1997

1. Shri Onkar Swarup through LRs
 (1) Smt. Raj Kumari - Wife
 (2) Mr. Sanjee Kumar - Son
 (3) Ms. Shalini - daughter
2. Shri Bhanwar Singh
 S/o Shri Rattan Singh.
3. Dr. J.P. Sharma,
 S/o Shri Kamal Singh Sharma
4. Shri Braham Singh,
 S/o Shri Umrao Singh
5. Shri K.N. Mathur,
 S/o Shri L.M. Mathur.
6. Dr. Q.Z. Khan,
 S/o Shri F.Z. Khan.,
7. Shri Om Prakash,
 S/o Shri Ram Phol.
8. Dr. Raj Pal Singh,
 S/o Shri Hukam Singh
9. Shri C.M. Saxena,
 S/o Shri P.S. Saxena
10. Shri Ranbir Singh
 S/o Shri Dalmore Singh
11. Ms. Gita Bisaria,
 D/o Shri R.K. Bisaria

12. Dr. Pravir Mookerjee
S/o Dr. P.B. Mookerjee
13. Dr. Surat Ram Sharma
S/o Shri D.R. Sharma
14. Shri R.N. Garg,
S/o Shri B.B. Lal
15. Dr. O.P. Verma,
S/o Shri C.R. Verma
16. Shri S.S. Gupta,
S/o Shri Chhatter Singh
17. Shri Saladi Koteswara Rao Naidu,
S/o Shri Saladi Venkataswamy
18. Shri Duggirala Ramachandram,
S/o Shri D. Satyam
19. Dr. S. Venkateswaralu,
S/o Shri Chenchiah.
20. Shri B. Harvinder Singh,
S/o Shri Sant Singh
21. Shri D.K. Bhatia,
S/o Shri D.C. Bhatia
22. Shri S.S. Walia,
S/o Shri Ram Nath
23. Shri Ramesh Chand Gola,
S/o Chamman Lal Gola
24. Shri D.C. Mathur,
S/o Shri P.C. Mathur.,.
25. Shri Bhagwan Dass,
S/o Shri Nanhe Ram
26. Shri Satyapal,
S/o Shri B.L. Thacker
27. Shri Tribhuwan Rai,
S/o Shri Lalta Rai
28. Shri Dinesh Chandra Saxena,
S/o Shri S.C. Saxena
29. Dr. Utpal Kumar Hazarika,
S/o Shri T.N. Hazarika
30. Dr. Krishna Avtar Pathak,
S/o Shri Ganga Ram Pathak
31. Shri Girdhari Lal Khurana,
S/o Shri Gobind Ram Khurana
32. Shri Madan Mohan,
S/o Shri Bhagwan Sahai Sharma

33. Shri Ravindra Kumar Jain,
S/o Shri Kappor Chand Jain

34. Shri Ant Ram,
S/o Shri Mangali Ram

35. Mrs. T.S. Neomi,
W/o Shri S. Muthusamy,

36. Mrs. K. Vijaylakshmi,
W/o Shri M.G. Murali

37. Mrs. R. Thankamma,
W/o Shri K.S. Radhakrishnan Nair

38. Dr. A. William Jebadhas
S/o Shri S. Anandham

39. Shri K.G. Somarajan,
S/o Shri R. Gopalan

40. Shri Ananthanarayana,
S/o Shri K. Lakshminarayana Bhatta

41. Mrs. S.K.N. Dyal,
W/o Lt. Col. Kehar Singh Dyal

42. Shri Pratap Singh,
S/o Shri Girraj Singh

43. Dr. Yadvendra Kumar Sharma
S/o Shri D.D. Sharma

44. Shri Joseph T.A.
S/o Shri V.M. Abraham

45. Dr. P.C. Pande,
S/o Shri M.D. Pande

46. Dr. B.S. Malik,
S/o Shri Sadhu Singh

47. Dr. J.P.S. Chauhan,
S/o Shri Moti Singh

48. Shri Dalaour Singh
S/o S. Gurdial Singh

49. Dr. B.B. Verma,
S/o Shri Kailash Prasad Verma

50. Shri F.C. Garg,
S/o Shri Ranjit Singh

51. Shri Sahab Singh
S/o Shri Man Singh

52. Dr. R.B. Sangwan,
S/o Shri R.S. Sangwan

53. Dr. Lallan Prasad Singh
S/o Shri Ramadhar Singh

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- 54. Dr. A.K. Chhabra,
S/o Shri M.L. Chhabra.
- 55. Dr. C.B. Tiwari,
S/o Shri R.G. Tiwari.
- 56. Dr. Dinesh Kumar,
S/o Shri D.L. Saxena.
- 57. Shri Shiv Prasad,
S/o Shri Devi Deen
- 58. Shri Krishan Lal,
S/o Shri P.L. Kalra
- 59. Shri Ram Gopal,
S/o Shri Sabaran Lal
- 60. Dr. D.C. Gupta,
S/o Shri J.N. Gupta
- 61. Shri Riayazuddin
S/o Shri Mehboob Khan
- 62. Dr. B.K. Dutta,
S/o Shri Rajeshwar Prasad
- 63. Shri D.V. Mhadgut
S/o Shri Vasantrao Vasudeo Mhadgut
- 64. Shri D.N. Makwana,
S/o Shri N.P. Makwana
- 65. Shri S.B. Jadhav,
S/o Shri Bhikoba Jhadav
- 66. Shri K.H. Sawakhande,
S/o Shri H.K. Swakhande
- 67. Shri Parameswar Bhaskar,
S/o Shri K.W. Parameswar
- 68. Shri L.D. Deshmukh,
S/o Shri Digambarrao Deshmukh
- 69. Shri Y. Subrahmanyam
S/o Shri Y. Virupakashaiah
- 70. Shri Vinay Kumar Jain
S/o Shri P.D. Jain
- 71. Shri C.H. Rao,
S/o Shri C. Surya Narayana Murty.
- 72. Shri Indra Singh
S/o Shri Net Ram
- 73. Dr. Ram Bachan Singh,
S/o Shri Hawldar Singh
- 74. Shri Ranjit Chandra Saha,
S/o Shri Pyarimohan Saha

75. Shri Janardan Chhattaraj,
S/o Shri Debendranath Maitra

76. Shri Dhirendranath Maitra,
S/o Shri Debendranath Maitra.

77. Dr. Suprakash Saha,
S/o Shri Radharaman Saha

78. Shri Arup Kumar Bandopadhyay,
S/o Shri Ajit Kumar Bandopadhyay

79. Dr. Chokha Singh,
S/o Shri Godha Singh

80. Shri R.B.P. Sinha,
S/o Shri R.L.P. Sinha

81. Shri Deep Chand,
S/o Shri Jagdish

82. Late Shri Jogender Bal through
LR Smt. Bimla Rani - Wife

83. Shri S.D. Gupta,
S/o Shri Deendayal Gupta

84. Shri Pradeep Behari
S/o Shri J.P. Modwel

85. Shri Ram Asray Singh,
S/o Shri Bhrugunath Singh

86. Shri Mahavir Singh,
S/o Shri Hukam Singh

87. Shri Ahok Kumar,
S/o Shri Har Charan Das

88. Shri Kashi Prasad Nirajan
S/o Shri C.R. Nirajan

89. Shri Surendra Kumar Gupta,
S/o Shri Om Prakash Gupta

90. Shri Tanweer Ahmad Khan,
S/o Shri Ikhlas Ahmad Khan

91. Shri L.K. Karnani,
S/o Shri J.T. Karnanipta.

92. Shri Sudhir Raizada,
S/o Shri Raj Narain Raizada

93. Shri Kulamani Sahoo,
S/o Shri Jagannath Sahoo

94. Shri Bhaskar Das,
S/o Shri Punandadas

95. Shri Bhupati Bhusan Nanda
S/o Shri Sashi Bhusan Nanda

96. Shri Mahendra Singh Panwar,
S/o Shri Khaseram

97. Shri Narendra Kumar Mahana,
S/o Shri Raghunath Mahana

98. Dr. K.O. Joseph,
S/o Shri Joseph

99. Dr. N.N. Balasubramanya,
S/o Shri N.S. Nagaraja Rao

100. Smt. Sushila Kaul,
W/o Shri H.L. Kaul. Applicants

Versus

1. Indian Council of Agricultural Research (ICAR),
Krishi Bhawan, New Delhi-110001 through
the Director General

2. The Secretary,
ICAR, Krishi Bhawan, New Delhi.

3. Director (Personnel),
ICAR, Krishi Bhawan,
New Delhi. Respondents

Advocates for Parties: Shri M.K.Dua for applicant
Shri V.K. Rao for respondents

ORDER

S.R. Adice, VC (A):

These 4 OAs had been placed before Full Bench which
had been constituted to answer the following reference

(A) Whether in the circumstances of the case the
reference to a Full Bench is warranted?

(B) Whether the applicant's claim for a direction
to the respondents to include the 'S' grade
service of ARS or equivalent grades for
computation of the total length of service
for purposes of not only placement on the
revised pay scale under the UGC pay package
by the ICAR by Notification dated 9.3.89 but
also for purposes of promotion of Scientists,
Senior Scale, Selection Grade/Sr. Scientists,
under the Career Advancement Scheme notified
on 28.10.91 is justified.

2. The reference was answered as under:

(A) Yes.

(B) Applicants would be entitled to include their 'S' grade of ARS or equivalent grade for computation of the total length of service only for purpose of placement in the revised pay scale under the UGC pay package notified by ICAR on 9.3.89 but would not be entitled to include the said service for the purpose of promotion of Scientists, Senior Scale, Selection Grade, Senior Scientists under the Career Advancement Scheme notified on 28.10.91.

3. The four OAs were accordingly directed to be placed before this Bench, namely our Bench which made the reference, for disposal in accordance with law, in the light of the aforesaid decision of the Full Bench.

4. We have heard Shri M.K.Dua for the applicants and Shri V.K.Rao for respondents.

5. Shri Dua has contended that in the light of the aforesaid orders of the Full Bench, applicants in OA No.399/97 and No.402/97 are entitled for inclusion of their 'S' grade of ARS or its equivalent grade for computation of total length of their service, for what he terms the "purpose of placement". Written submissions have also been made to this effect. Whether it is placement in the revised pay package alone, or

under the Career Advancement Scheme notified on 28.10.91 has not been made explicit, but the fact that the placement sought is under the Career Advancement Scheme is evident from para 7 of the written submissions.

6. These contentions are opposed by Shri V.K. Rao who asserts that in terms of Full Bench's decision, the service put in by applicants in 'S' grade of ARS or its equivalent grade can be included for computation of total length of their service for purpose of placement in the revised pay scale under the UGC pay package notified by ICAR on 9.3.89 and cannot be included for the purpose of Scientists, Senior scale, Selection Grade, Senior Scientists under the Career Advancement Scheme notified on 28.10.91.

7. It is clear that in terms of Full Bench decision dated 27.4.2000, applicants in all the 4 OAs before us are entitled to include their 'S' grade of ARS or equivalent grade for computation in total length of service only for purpose of placement in the revised pay scale under the UGC pay package notified by ICAR on 9.3.89. It would not entitle them to include the said service for the purpose of promotion of Scientists, Senior scale, Selection Grade, Senior Scientists under the Career Advancement Scheme notified on 28.10.91.

8. We as a Division Bench are bound absolutely by that Full Bench Decision and these OAs accordingly stand disposed of in terms of the same. No costs.

9. Let a copy of this order be placed on each case record.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
4/12/2000 MEMBER (J)

R. Adige
(S.R. ADIGE)
VICE

Attested

Rajneesh
4.12.2000
C.O.
C.IV