

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

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

(86)

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.

(81)

.. 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

82

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

(83)

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. Yadavendra 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 Dalaor 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

84

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. Kaira
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 Chhataraj,
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 Niranjan
S/o Shri C.R. Niranjan
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 Punandas
95. Shri Bhupati Bhusan Nanda
S/o Shri Sashi Bhusan Nanda

86

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**

87

Versus

1. Indian Council of Agricultural Research (ICAR),
Kriishi Bhawan, New Delhi-110001 through
the Director General
2. The Secretary,
ICAR, Kriishi Bhawan, New Delhi.
3. Director (Personnel),
ICAR, Kriishi Bhawan,
New Delhi. **Respondents**

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

ORDER

S.R. Adige, 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' 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 the 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.

Attested

Rajendra

4.12.2000

C.O.

C.TV

Lakshmi Swaminathan

(MRS. LAKSHMI SWAMINATHAN)

4/12/2000 MEMBER (J)

Adige

(S.R. ADIGE)

VICE CHAIRMAN (A).