

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 2298/94

New Delhi, this the 1st day of September, 1999

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. S.P.BISWAS, MEMBER (A)

In the matter

1. Sh. Mahesh Vaish
Technical Officer (T5)
Indian Council of Agricultural Research
Krishi Bhawan, New Delhi.
2. Sh. Kedari Lal,
Technical Officer (T5)
Indian Council of Agricultural Research
Krishi Bhawan, New Delhi.
3. Dr. D.S.Bedekar,
Chief Production Officer Retired (T7)
Krishi Anusandhan Bhawan, Pusa,
New Delhi.
4. Sh. B.N.Jha,
Technical Officer (T5)
Krishi Anusandhan Bhawan, New Delhi.
5. Sh. Jai Gopal Pandey
Technical Officer (T5)
Krishi Anusandhan Bhawan, New Delhi.
6. Sh. B.K.Bal
Technical Officer (T5)
Krishi Anusandhan Bhawan, (ICAR),
New Delhi.
7. Sh. P.S.N.Sharma,
Technical Officer (T5)
Krishi Anusandhan Bhawan, New Delhi.
8. Sh. G.R.Rangaswamiah
Technical Officer (T5)
Krishi Anusandhan Bhawan, New Delhi.

Correspondence Address

C/o Sh. Rakesh U.Upadhyay
Advocate
107, Lawyers Chambers,
Supreme Court,
Tilak Marg,
New Delhi-110001.
(None).

.... Applicants

Vs.

1. Union of India
through Secretary,
Department of Agriculture
Research and Education,
Ministry of Agriculture,
Krishi Bhavan, Dr. Rajendra Prasad Road,
New Delhi.
2. Indian Council of Agricultural Research
through its Secretary,
Krishi Bhavan,
Dr. Rajendra Prasad Road,
New Delhi.
(By Advocate: Sh. R.S. Aggarwal)

O R D E R (ORAL)

By Hon'ble Mrs. Lakshmi Swaminathan, M(J)

None has appeared for the applicants even though ¹⁸ the case was called out twice. This case has been listed at Item No.2 in today's cause list. Accordingly, we have perused the pleadings and heard Sh. R.S. Aggarwal, learned counsel for the respondents.

2. The applicants have alleged that the respondents have acted in an arbitrary, discriminatory and illegal manner by not granting them the pay scale of Rs.550-900 with all consequential benefits at the time of re-organisation of the services w.e.f. 1.10.75 and non-implementation of the award dated 8.1.88 passed by the Industrial Tribunal, Delhi in ID No.9/82 which, they submit, has been approved by the Hon'ble Supreme Court. In this OA, the applicants have stated that the Technical Assistants were entitled to be fitted into T-4 scale of Rs.550-900 w.e.f. 1.10.75 at the time of re-organisation of their services.


3. The Tribunal in order dated 29.3.96 has given the details of the facts and issues involved. It is also noted that both the counsel have cited a large number of

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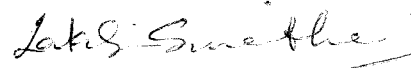
rulings, one such ruling being the order of the Tribunal dated 23.6.94 in **B.B.Nayak & others vs. Union of India and others** (OA-182/91). In that case, the applicant Sh. B.B.Nayak and others had, inter alia, prayed for conferment of the scale Rs.550-900 w.e.f. 1.10.75 and in that judgment, it had also been noted that ~~the~~ Industrial Tribunal, Delhi Award dated 8.1.88 had been given. It was further noted in the Tribunal's order, ~~that the Tribunal~~ various other judicial pronouncements on the subject. ~~had been reported~~. The ICAR had filed a Special Leave Petition in the Supreme Court against the judgment and order of the Tribunal dated 9.10.95 wherein an interim stay had been granted by the Hon'ble Supreme Court in respect of the directions given by the Tribunal in the impugned judgment with regard to the placing of the applicants (**B.B.Nayak and others**) in the scale of Rs.550-900. Noting the above order, we had directed Sh. R.S.Aggarwal, learned counsel for the respondents to ascertain the upto date position of the decision of Supreme Court pronounced in **B.B.Nayak's case (supra)** vide our order dated 3.8.99. Learned counsel has submitted a copy of the order of the Hon'ble Supreme Court dated 26.9.97 in Civil Appeal No.6673/97 arising out of SLP (Civil) No. ICAR and another vs. **B.B.Nayak and others**, which is placed on record). Learned counsel has submitted that the appeal filed by the ICAR has been allowed by the Supreme Court in this order, setting aside the Tribunal's direction to the respondents to place the applicants in the pay scale of Rs.550-900 w.e.f. 1.10.75. He, therefore, submits that the present application may also be dismissed in the light of the judgment of the Supreme Court in **B.B.Nayak's case (supra)**.

js.

4. We have considered the pleadings and submissions made by the learned counsel for the parties. In view of the facts and circumstances mentioned above and the judgment of the Supreme Court in ICAR and another vs. B.B.Nayak and ors. (supra) dated 26.9.97, we find no merit in this application. The OA is accordingly dismissed. No order as to costs.


(S.P. BISWAS)
Member (A)

"sd"


(MRS. LAKSHMI SWAMINATHAN)
Member (J)