Central Administrative Tribunal
Principal Bench

O.A.No.2358/94

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Honb'le Shri R.K.Ahooja, Member(A)

New Delhi, this the 26th day of August, 1999

1. Baby Mathew
Driver
s/o Shri Mathew
1604, Krishi Kunj
New Delhi - 110 005.

2. Sone Lal
s/o Shri Chulai Paswan
II-A/9, IARI
New Delhi - 110 012. .. Applicants
(By Shri K.B.S.Rajan, Advocate)

Vs.

1. The Union of India through
Secretary
Dept. of Agricultural
Research and Education
Ministry of Agriculture
Krishi Bhavan
New Delhi - 110 011.

2. The Director General
I.C.A.R.
Krishi Bhavan
New Delhi - 110 011.

3. The Director I.A.R.I.
Pusa Institute
New Delhi - 110 012. ... Respondents
(By Shri Vijay Choudhary, Advocate)

O R D E R

Hon'ble Shri R.K.Ahooja, Member(A)

The applicants herein are Drivers working in the IARI, Pusa Institute under the ICAR, New Delhi. Their grievance is that the respondents have unilaterally changed their status from technical to auxiliary services resulting in loss in their promotion prospects. They submit that the technical staff are entitled to five yearly assessments whereby they could reach the maximum of grade 1-1-3 i.e., pay scale of Rs.1400-2600/-. According to the applicants, the Drivers working in the IARI and in sister Institute under ICAR had been classified as technical

staff. Their grievance therefore is that the respondents, vide letter dated 29.8.1986, notified Recruitment Rules changing the status of Drivers from technical to auxiliary services. The applicants have also filed an MA No.3858/94 seeking condonation of delay. They also state that since the change in their status involves a loss in pay and allowances, they have a recurring cause of action.

2. We have heard the counsel. The learned counsel for the respondents produced a compilation of the Recruitment Rules for the post of Drivers at ICAR Institute wherein Drivers have been classified as part of auxiliary services in 1982 itself. The applicants have not given details as to when they were exactly appointed as Drivers in the services. It is the contention of the respondents that their appointments were made after the ICAR made the change in categorisation of Drivers and thus the applicants at the time of their induction did not have the status of technical services. In that view of the matter the applicants cannot have a grievance that their terms of the service were changed adversely to their interests. Since the applicants have not been able to establish that they were, at the time of recategorisation of their service, ~~were~~ already in service, we do not find any basis for the contention of the applicants that the terms of their service had been changed to their disadvantage.

3. The learned counsel for the applicants then contended that the applicants were entitled to be classified as technical on the principle of 'equal pay

for equal work'. He argued that in the army and other paramilitary forces the Drivers were classified as technical personnel. Further more, the drivers in ICAR are required not only to run the trucks and jeeps on the road but they also undertake ancillary activities like operation of tractors and other harvesting machinery in agricultural farms under the control of ICAR. We find here also the applicants are unable to make out a case. Mere assertion, that army Drivers are classified as technical personnel, does not serve to establish that the drivers in ICAR are equal to them in all respects in terms of qualifications, responsibilities and duties. Therefore, this argument also fails.

4. It was lastly submitted by the learned counsel for the applicant that the respondents themselves have during the pendency of the OA, reclassified the drivers as technical. He submits that if the drivers were found eligible for categorisation as technical, in 1976, and again in 1996, it was illogical that they should have been deprived of this categorisation in 1986. The 1986 decision was not contested before us at the appropriate time. If the respondents have themselves granted the relief sought for by the applicant, in 1996, it does not imply that the relief should have been granted from 1986. It is the prerogative of the executive to decide whether the improvement in service conditions of the employee should have retrospective or only prospective effect.

5. In the result, finding no ground for interference, the OA is dismissed. In the circumstances, there shall be no order a to costs.

(R.K.AHOOJA)
Member(A)

(V.RAJAGOPALA REDDY)
Vice-Chairman(J)

/rao/