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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. No.683/94

NEW DELHI THIS THE 13<sup>th</sup> DAY OF JANUARY, 1995.

HON'BLE SHRI B.K. SINGH, MEMBER (A)

Dr K.L. Raheja,  
S/o Shri Har Dyal Raheja,  
R/o Qr No.4, Type D-II, IVRI Campus,  
Izatnagar.

....Applicant

(By Advocate : Mrs Meera Chibbar)

VERSUS

1. Indian Counsel of Agricultural Research,  
through  
Director General,  
Indian Counsel of Agricultural Research,  
Krishi Bhavan,  
New Delhi.

2. Director (Finance),  
Indian Counsel of Agricultural Research,  
Krishi Bhavan,  
New Delhi.

3. Director (Personnel)  
Indian Counsel of Agricultural Research,  
Krishi Bhavan,  
New Delhi.

...Respondents

(By Advocate : None )

JUDGEMENT

Shri B.K. Singh, Member (A)

This O.A. No.683 of 1994 Dr K.L. Raheja  
Vs Indian Counsel of Agricultural Research  
through Director General, I.C.A.R., Director  
(Finance), I.C.A.R., Director (Personnel), ICAR,  
Krishi Bhavan, New Delhi, has been filed against  
the Order No.F.10(19)/93-Per-IV dated 22.9.1993  
passed by the Respondents wherein the applicant  
has been denied Non-Practising Allowance

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(In short NPA) as granted to other scientists colleagues in the area of animal science of Agricultural Research Service (ARS).

2. The facts of the case are that the applicant's colleagues who were also having M.Sc. qualification and were recruited as Scientists S-1 in the area of Animal Science through the same ASRB in the same year (1976) by the same procedure are being given more pay in terms of NPA, and in this connection the applicant has mentioned the names of;

1. Dr Satya Paul, Scientist (SG) IVRI, Izzatnagar having M.Sc. (Animal Science);

2. Dr D. N. Jana, Senior scientist, IVRI, Izzatnagar having M.Sc. (Dairying);

They are holding similar posts and are discharging same duties and doing same work under the same employer with similar working conditions but the applicant is being given

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less pay than these two colleagues w.e.f. 1.1.1986.

The reliefs prayed for by the applicant are these :-

- (i) to set aside and quash the impugned order dated 22.9.93 (Annexure A);
- (ii) to direct the respondents to remove disparity with respect to pay between the applicant and his colleagues having Bachelor's degree in Veterinary Science by granting NPA to the applicant w.e.f. 1.1.1986.

On notice the respondents filed their reply contesting the application and grant of reliefs prayed for in the O.A. I heard the learned counsel Mrs Meera Chibber, for the applicant and perused the record of the case. None was present on behalf of the respondents.

The ARS was introduced w.e.f. 1.10.1975 with a view to enable the young Scientist entering a research career to get the highest salary possible in public services without changing his or her field of specialisation and without shifting to managerial and administrative post merely for receiving a better salary. The creation of this service was meant to deglamourise management posts and leave such posts in the hands



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of those who have a real aptitude and ability in the field of coordination and research management.

Opportunities for career advancement irrespective of the occurrence of vacancies, through a system of assessment should lead to each Scientist competing with his or her own post rather than competing with other colleagues working in other fields of specialisation. The objective of Agricultural Research Service was to inculcate a culture where the motto would be that "all rights accrued from a duty well done." Horizontally and vertical mobility has been made possible with a view to help tribal and neglected regions and a Scientist working in a particular field of specialisation was also expected to perform a service duty in respect of tribal and neglected region.

The objectives with which the service was founded are :-

- (a) a foster cooperation in place of unhealthy competition;
- (b) Enable Scientists to get the highest salary possible within the system while remaining rooted to work in their respective discipline/field without running after glamour of occupying research management position;

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(c) Promote an outlook where solving a specific field problem through inter-disciplinary team work to achieve a primary goal of research other than on publication of papers.

(d) Promote horizontal and vertical mobility and an adequate attention to neglected and backward areas.

(e) Link rights and responsibilities and instil through the 5 year assessment system the conviction that dedicated and efficient discharge of responsibilities alone would be the means of securing professional advancement.

Part(a) of Appendix 4 of the ARS Scheme published by ICAR gives all criteria and methods of 5 yearly assessment for promotion from S-I to S-2 and from S-2 to S-3 and so on and upto S-8.

The criteria laid down is :-

(i) Professional preference in relation to the duties and tasks assigned;

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- (ii) Spirit of cooperation and team work.
- (iii) Managerial/Organisational abilities/attributes.
- (iv) Personal/behavioural abilities/attributes.

It has been specifically laid down that the assessment will be based on contributions and achievements of individuals in relation to the requirements of the job and duties assigned to Scientists during the period of assessment.

The procedure for 5 yearly assessment is :-

- (i) Resume of the material furnished in the 5 yearly assessment proforma.
- (ii) Research Project files maintained by the scientist.
- (iii) Bio-data and career in the field of specialisation (various posts held etc) of the scientists, throughout his service in the I.C.A.R.
- (iv) C.C.R. for the past 5 years, personal discussion, if so desired by the concerned scientists.

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The entire scheme of ARS including its pay structure became a nullity after recommendations of the Fourth Central Pay Commission were submitted. The scientists wanted a different package altogether in the light of the package incorporated in ARS. The result was the constitution of Dr <sup>M.</sup>~~M.~~V. Rao Committee comprising ~~five~~ <sup>seven</sup> more members to go in depth about the pay structure of scientists working in ICAR. The Government of India had accepted the recommendations of the Fourth Central Pay Commission in regard to scientists in various fields including animal sciences and medical sciences. The ~~M.~~ V. Rao Committee finally submitted its report in 1989 recommending, inter-alia, that UGC pay scales should be given to the scientists working under ICAR with the concurrence of UGC and Department of Expenditure, Ministry of Finance. These recommendations were ultimately accepted and in the light of the scheme incorporated in ARS, the UGC package was introduced for these scientists. The Fourth Central Pay Commission had recommended the grant of NPA to veterinary doctors and scientists and these were accepted and implemented by Government of India in case of both under its administrative control. The rationale behind grant of the NPA to veterinary doctors/scientists was that they had to spend nearly seven years in all to

*looked into by P. J. C. K. Menon Committee and*



become a scientist or five years to become a veterinary doctor. This is more or less like M.B.B.S. The veterinary doctors spend five years to become a doctor whereas agriculture graduates spend two years or maximum three years to get a degree of B.Sc. Agriculture. The B.Sc. Agriculture degree is like Honours degrees by graduates of Humanities and other pure sciences like Physics and Chemistry etc.

Since Government of India had already granted NPA to its own veterinary doctors, the scientists working in the discipline of animal sciences had filed a writ Petition in the Principal Bench, C.A.T. and this benefit was allowed to them also. Thus, those who were not working under the administrative control of Government of India and were either veterinary doctors or scientists working in the research institutions/universities and colleges under the ICAR were extended this benefit as a result of the judgement of the Principal Bench, C.A.T. The UGC package has now been fully accepted and is applicable to all the scientists. This coupled with the grant of NPA to the veterinary doctors/scientists makes the UGC package complete. The ARS scheme has been practically <sup>given a</sup> / go by as a result of the acceptance of the recommendations of



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Dr M. V. Rao Committee when UGC package was accepted and implemented for these scientists.

The NPA is not admissible to agricultural scientists since there was no recommendation to that effect by the Fourth Central Pay Commission since their degrees are more or less like those of the degrees in Humanities and pure or applied sciences.

Thus, it would be seen that there is nothing wrong in issuing the aforesaid order extending the benefit of NPA to scientists in the discipline of animal science wherever they are posted. The qualification is based on an intelligible criteria and there is no arbitrariness or discrimination. The veterinary doctors and scientists working in the discipline of animal science are a separate class and they are entitled to NPA on the basis of their qualifications - the place of their posting or working being irrelevant. Doctors, whether they take care of the livestock or human beings, are a class by themselves and they cannot be compared with agricultural scientists. Thus, the grievance of the applicant is totally unfounded since he belongs to a different class altogether and he cannot compare himself with



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scientists working in the discipline of animal science, who by virtue of their degrees and qualifications are entitled to the benefit of NPA.

In view of the foregoing paragraphs, no case is made out for grant of NPA to agricultural scientists and there is no recommendation to that effect either in the Fourth Central Pay Commission's Report or in the Dr <sup>B</sup>M. V. Rao Committee's Report. The application, thus fails and is dismissed, leaving the parties to bear their own costs.



(B. K. Singh)  
Member(A)

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