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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1217/89

NEW DELHI THIS THE 16th DAY OF SEPTEMBER, 1994.

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

1. Scientific Staff Association, I.A.R.S.
through its Secretary, Dr R.K. Lal,
S/o Shri Gulab Shankar Lal,
Division of Plant Physiology,
I.A.R.I
New Delhi-110012.
2. Dr R.K. Lal,
S/o Shri Gulab Shankar Lal,
Director of Plant Physiology, I.A.R.I.
New Delhi. Applicant

By Advocate : Shri B.B. Raval

VERSUS


1. Indian Council of Agriculture Research
through its Secretary,
Krishi Bhavan,
Dr. Rajendra Prasad Road,
New Delhi.
2. Union of India, through
Secretary,
D.A.R.E. (Ministry of Agriculture)
Krishi Bhavan,
Dr Rajendra Prasad Road,
New Delhi. ... Respondents

By Advocate : Shri V.K. Rao

JUDGEMENT

Shri B.K. Singh, Member (A)

This O.A.1217/89 has been filed against the Notification dated 9.03.1989 issued over the signature of the Secretary, I.C.A.R., Krishi Bhavan, New Delhi, whereby the respondents 1 & 2 revised the pay structure of the Scientists in the grades of S-0, S-1, S-2, S-3, S-4, S-5 and S-6 with effect from 01.01.1986.

2. The I.C.A.R. is a registered Society and functions within the frame-work of the rules and bye-laws framed with the approval of Government.
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Normally it follows the pay structure of the government as recommended by the Pay Commission and at times separate committees are appointed to look into their work, duties and responsibilities, and modify the pay scales but the basis always remains the recommendations of various pay commissions set up by the Government of India. Some deviations from the Central Government pattern are also evolved in relation to the promotional avenues in respect of scientific and technical staff/personnel.

3. On 2nd October, 1975 I.C.A.R. introduced an Agricultural Research Service for its scientists in order to enable a 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 posts merely for receiving a better scale of pay. The Agricultural Research Service (A.R.S. for short) was created with the specific aim of deglamourising management posts and leave such positions only in the hands of those who have a real aptitude and ability in the field of coordination and research management. The best part of this service ^(A.R.S) was that these people were insulated totally from any kind of departmental rivalries so that they can concentrate on research work in their field and reach the top on the basis of their performance. The sole aim was that without looking to any other management post they should get the same pay scale of Rs.8000 admissible to Director General, I.C.A.R. and

Secretary Agriculture. There was no need for creation of vacancy for advancement in career. The opportunities were provided for career advancement, irrespective of the occurrence of vacancies, through a system of assessment. A scientist was not required to compete with other scientists working in other fields but was required to compete with himself so far as his best performance is concerned. Horizontal and vertical mobility was rendered possible and in this scheme it was also incorporated that they were required to serve compulsorily in tribal and neglected regions also. The aims and objects of the creation of this service was :-

- (i) Fostering cooperation in place of unhealthy competition;
- (ii) Enabling Scientists to get the highest salary possible within the system while remaining rooted to work in their respective discipline/field;
- (iii) Promoting an outlook where solving a specific field problem through inter disciplinary team work is regarded as primary goal of research than the worship of a discipline or publication of papers;
- (iv) Promoting horizontal and vertical mobility and adequate attention to neglected and backward areas;

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- (v) Linking rights and responsibilities and prescribing the five-yearly assessment system & instilling the conviction that dedicated and efficient discharge of responsibilities alone could be the means of securing professional advancement.

4. It is admitted by both the parties that this scheme was adopted in 1976 for the Scientists upto the level S-6 in the pre-revised scale of Rs 2500-3000. The pre-revised scales in ICAR are given below :-

<u>Sl.No.</u>	<u>Designation</u>	<u>Pay Scales as from 1.01.1973</u>
1.	Scientist (Class II)	Rs.650-1200
2.	Scientists (Jr Class I)	Rs.700-1300
3.	Scientist (S-2)	Rs.1100-1600
4.	Scientist (S-3) a)	Rs.1500-1800
	b)	Rs.1500-2000
	c)	Rs.1800-2000
5.	Scientist (S-4)	Rs.1800-2250
6.	Scientist (S-5) a)	Rs.2000-2250
	b)	Rs.2000-2500
7.	Scientist (S-6)	Rs.2500-3000
8.	Scientist (S-7)	Rs.3000 (Fixed)
9.	Scientist (S-8)	Rs.3500 (Fixed)

In the wake of re-organisation based on the recommendations of the High Power Committee, the ARS was constituted w.e.f. 1.10.75 and the Research Management position Rules were introduced from 1st April, 1976. The pay-scales were rationalised for the ICAR Scientists as under

<u>Sl.No.</u>	<u>Designation</u>	<u>Pay scales as applicable from 1.10.75/1.4.76</u>
1.	Scientist (S-1)	Rs.700-1300 (From 1.10.75)

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2.	Scientist (S-2)	Rs.1100-1600	From 1.10.75
3.	Scientist (S-3)	Rs.1500-2000	-do-
4.	Scientist (S-4)	Rs.1800-2250	-do-
5.	Scientist (S-5)	Rs.2000-2500	-do-
6.	Scientist (S-6)	Rs.2500-3000	-do-
7.	Scientist (S-7)	Rs.3000	Fixed
8.	Scientist (S-8)	Rs.3500	Fixed

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5. On appointment of Fourth Pay Commission ICAR took a step to prepare a note for submission to the Commission particularly in respect of the Scientific and Technical staff. They were, however, informed by the Ministry of Finance that the terms of reference of the Fourth Pay Commission did not cover the employees of the Quasi Government Organisations. Regarding the question of setting up of a separate agency to go into the pay revision of the employees of such organisations as ICAR, it was decided that it was not necessary to have a formal committee and that a group of Officers may be set up in the Ministry/departments concerned to go into the question whether recommendations of the pay Commission can be extended to the employees of these Organisations. On issue of Notification of revised Pay scales for 'Group A Service' as on 13.08.1987 it was confirmed in a letter dated 25.3.87 that the guidelines incorporated in the recommendations of the IVth Pay Commission for Technical/Scientific personnel should be deemed to have been extended to the employees of autonomous Organisations like ICAR and further action should be taken in this regard.

6. It is also admitted that the large number of representations containing demands of Scientists working in ICAR and IARI were received in the Office



of the Prime Minister/Minister (Agriculture) and DG, ICAR. Amongst the demands was the adoption of U.G.C. pay scales for Scientists working in the ICAR system. The major demand was to maintain a parity in the pay scales of Scientists working in ICAR and Scientists working in State Agricultural Universities. The government accepted the demand and adopted the pay scales of U.G.C. for them. This U.G.C. pay package was made effective from 1.01.1986 vide Notification dated 9.03.89. While introducing U.G.C. pay scales the respondent No.1 modified the scheme of assessment, recruitment etc. It is true that while issuing the Notification dated 9.03.89 the details of the modified scheme were not immediately disclosed, and the Scientists working under the ICAR were asked to exercise their option for this U.G.C. pay scales notified on 9.03.89 and made effective with effect from 1.01.1986. The grievance of the petitioners is that even in the case of Universities, general and agricultural universities the option was invited from the Scientists either to opt for the Fourth Pay Commission pay scales or the U.G.C. pay scales. And even the U.G.C. sought option while declaring modified scheme with regard to promotion and the recruitment.

7. A notice was issued to the respondents who filed their reply and contested the application and the grant of reliefs prayed for. Though, both the learned counsels Shri B.B. Raval for the applicants and Shri V.K. Rao for the respondents were present but Shri Raval, Counsel representing applicants stated at the Bar that he had no instructions from



the applicants and, therefore, the matter may be decided on the basis of pleadings. Shri V.K. Rao, Counsel for the respondents did not object to this. Since it is an old matter of 1989, we have perused the pleadings on record and we are deciding the matter on the basis of these pleadings. It is an admitted fact that I.C.A.R plays the role of U.G.C. in respect of agricultural education in the country. It has a strength of nearly more than 7,000 Scientists today. It supports agricultural education in its own Institute, like IARI, IVRI, IRI and CSIR, which have all the status of deemed University.

8. The ICAR also plays a vital role in determining and ensuring maintenance of standards in the recruitment ^{of} staff for agricultural education in the Agricultural University and ICAR Institutes. The ICAR presumably is the best Institution in the whole of Asia. It is an Agricultural Scientific Organisation under the Government of India which has the responsibility for integrated education, research and extension. It is entrusted with the responsibility of coordinating 68 All India Coordinated Research Projects under implementation by the State Agricultural Universities which employ more than 6000 Research Scientists. The extent of such coordinated research project is shared between ICAR and the State Agricultural Universities in the ratio 75:25. A Committee was constituted with Dr M.V. Rao as the Chairman to look into the matter of application of revised pay scales as notified by the Government in relation to the Scientists on 24.04.87 by the Union Agricultural Minister who is the President of the I.C.A.R.



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There were seven other Members in addition to Dr M.V. Rao. The terms of reference for this were the following :-

- (a) To examine the background of pay scales applied to the various posts of Scientists in the I.C.A.R system;
- (b) To make suitable recommendations in regard to the pay scales which should be appropriately applied to the Scientists in the ICAR system.

9. After the detailed deliberation this Committee recommended adoption of U.G.C. pay packages. These recommendations were approved by the President I.C.A.R. in consultation with the Ministry of Finance and the U.G.C.. A scheme for implementation was prepared in consultation with the Chairman U.G.C. and finally referred to the Ministry of Finance on 31.12.88. After consultation, necessary formalities were completed and the Scheme was notified vide Circular dated 9.03.89 read with Circular dated 21.03.89 copies of which are attached at Annexure R-1 and R-2 with the counter. With the Notification of the new scheme, the old scheme automatically became non-effective. The old scheme has since been given a go bye. The applicants are thus not entitled to take benefit of the past service under the old Scheme. Annexure (R-3) is a booklet attached to the counter which introduces the five-yearly 'merit assessment scheme' for Agricultural Research Scientists (ARS for short) working under the control of ICAR. It was introduced from 02.10.1975 and modalities were finalised subsequently and published

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in the form of this booklet which was issued by the Indian Agricultural Research Institute on the basis of five-yearly assessment and on the basis of this research work and publication the Scientists will be either given promotion from S-I to S-2 from S-2 to S-3 and S-3 to S-4 and so on and so forth or will be given three advance increments if they are not found suitable for promotion. The first five-yearly assessment started with effect from 1981 and the Scientists who were found suitable were given the first promotion from their existing grades to higher grades. The U.G.C. grade though notified on 9.3.89 was made effective with effect from 01.01.86 as will be evident from the annexure R-1 of the paper book. The recommendations of the Expert body ^{headed by} / Dr M.V. Rao has been accepted by the I.C.A.R. and approved by the Ministry of Agriculture in consultation with the Ministry of Finance and Chairman of U.G.C. This is a major policy decision of the Government involving the Management experts sitting in the I.C.A.R. The Scientists working under them, ^{such} cannot assail policy decisions & Tribunals are not expected to interfere ^{with such decisions.} / The Government are the best judge and in their wisdom they have evolved a scheme for merit promotion and given the pay packages of the U.G.C. available to other Universities and colleges. In this connection, the Hon'ble Supreme Court has categorically laid down in the case of - (i) K. Nagaraja Vs State of A.P. reported in AIR 1986 SC 551; (ii) Suman Gupta Vs State of J&K - reported in AIR 1983 SC 1235 etc; and (iii) V.T. Khanzode Vs R.B.I. - AIR 1982 SC 917, that the major policy decisions in regard to the pay scales are matters

for the expert bodies to decide and the Court should refrain from interfering ^{the} with/ recommendations of the Expert Bodies. In another judgement the Hon'ble Supreme Court has held that where a rule or a qualification is causing hardship the aggrieved persons should approach the appropriate authorities in the matter for redressal of their grievance instead of approaching the Courts. This is reported in Rangaswami Vs Government of Andra Pradesh AIR 1990 SC-535.

10. The same ratio was also established in the earlier decision of the Hon'ble Supreme Court in AIR 1986 SC 1830 and in 1987 Vol.1 SCC P-10 Para 14 in the case of State Bank of India. The ratio in all the judgements ^{that} is/ such policy decisions made in exercise of the administrative powers are not amenable to writ jurisdiction under Article 14 and 16 of the Constitution of India. As such we are convinced that the present application is not maintainable.

11. The introduction of the U.G.C. pay scales along with the scheme of merit promotion are in consonance with the system of assessment evolved even by U.G.C. for the Scientists working in the various Universities and Colleges. It is a well settled law that the classification, amalgamation and merger of pay scales and providing avenues of promotion on the basis of assessment do not require judicial intervention and, therefore, the Applicant Association cannot raise these matters before the Hon'ble Tribunal. These are strictly within the domain of executive ~~as~~ has been held by the Hon'ble Supreme Court in the case of Umesh Chandra Vs O.N.G.C. & Others - AIR 1989 SC 29 which has

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been followed in other judgements of the Hon'ble Supreme Court. We also find that the present application Association which is not a representative body of all the Scientists has no locus standi to raise such issues for taking past service into consideration. If they are fossilised and they cannot concentrate on research work and make contribution in their field, they would not be considered for merit promotion. The famous saying of Kalidas is ' न धर्मवृद्धेषु वयः समीक्षते । '

The age of a person who has acquired knowledge and wisdom at a very young age should not be considered. Merit promotion depends on ones' own achievement and performance in his own field. We have instances where mathematicians like Ramanujam and Narleka acquired international fame at a very young age. Adishankar became proficient in all the Vedas and the Upanishads and wrote commentaries on all and died at the early age of 33. If we have dedicated and devoted band of scientists who are doing outstanding work in their field they should steal a march over fossilized people. There is no harm in introducing such a scheme to reward merit and we are not inclined to interfere with the scheme introduced by the I.C.A.R. in regard to merit promotion after giving U.G.C. pay scales to the scientists. In the counter reply it has been categorically stated that Dr R.K. Lal who is the Secretary of this Association was assessed for merit promotion thrice but he failed and out of frustration he has approached the Court for striking merit promotion scheme which is totally untenable. Once he has opted for A.R.S. he is to be governed by the

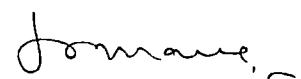
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rules framed and modified by the I.C.A.R. from time to time.

12. We have also carefully gone through the merit promotion scheme and we are fully satisfied that it is neither unreasonable nor arbitrary and as such it does not call for any judicial intervention. The application is devoid of any merit or substance and is dismissed ^{as such} / leaving the parties to bear their own costs.



(B.R. SINGH)
MEMBER (A)



(J.P. SHARMA)
MEMBER (J)

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