

In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. OA-1297/88

Date: 13.10.93

1. Shri B.S. Rana
2. Shri S.P. Das, and
3. Shri S.V. Alekar

... Applicants

Versus

1. Union of India
2. Director, IARI,
New Delhi
3. Dir. Genl., ICAR,
New Delhi.

.... Respondents

For the Applicants

.... None

For the Respondents

.... Shri Samir Tandon, Proxy
for Shri Sanjeev Ralli,
Counsel

CORAM: Hon'ble Mr. J.P. Sharma, Member (Judl.)
Hon'ble Mr. B.K. Singh, Member (A)

1. To be sent to the Reporters or not?

(Oral) Judgement

(By Hon'ble Mr. J.P. Sharma, Member)

The applicants joined the Indian Agricultural Research Institute (IARI) as Painter/Artist on different dates between 1962 and 1968. They were subsequently promoted w.e.f. 1.3.1976 to Grades D-I-III of category I which carried the pay-scale of Rs.425-700.

2. Being aggrieved by the action of the respondents for not considering the applicants for promotion to the higher grade and not allowing the pay-scale on par with their counterparts in ICAR, they filed this application for the following reliefs:-

(1) To put the applicants in the pay-scale of Rs.700-1300 in parity with their counterparts in ICAR.

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- (ii) To consider the applicants for promotion in the grade of ICAR in category T-6 at par with their counterparts in ICAR.
- (iii) Strike down Rule 6.2 of Technical Services Rules of the I.C.A.R.

3. The respondents contested the application and stated that the applicants are not entitled to any relief because they joined respondent No.2 as Painter/Draftsman-cum-Artist on different dates between 1961 and 1968. These applicants were subsequently adjusted in Category I, Technical Services in the pay-scale of Rs. 330-560. As regards Rule 6.2 of the Technical Services Rules, it is stated that the same is not violative of Article 14 of the Constitution of India. Under the said rules, the provisions have been made for career advancement of the employees of the Institute, but the career advancement is restricted to the highest grade of the respective category. That is not equivalent to promotion. The respondents have further clarified that in I.C.A.R., it is only Category III in which the posts of Artist exist and there is no post of Artist in categories I and II, whereas in IARI there is no post of Artist in category III and the posts of Artist existing ⁱⁿ IARI, fall in categories I and II. Thus, the nature of the functions and duties performed by the Artists are materially different. There is no post of Junior Artist in ICAR in the pay-scale

of Rs.425-700 in Category I. The respondents have also further clarified in their reply to every averment made in the application. It is finally stated that the applicants have no case for the grant of the pay-scale as prayed for them. The applicants have also filed rejoinder to the counter.

4. The matter has been on Board and on 5.10.1993, an adjournment was sought when the matter was fixed for today for hearing. None appears for the applicants. Shri Samir Tandon, Proxy for Shri Sanjeev Ralli, Counsel for the respondents. Since the matter is old one, we have gone through the pleadings as well as the various annexures attached to the application. The ~~xxxxxx~~ learned proxy counsel has, however, stated that he is not fully equipped with the information, but he has been informed by the counsel for the respondents that two of the applicants have since expired and one of them has migrated to the States. It may be because of this that the applicants have lost interest in the matter.


5. Regarding the equation of pay on the principle of 'equal pay for equal work' which is no more an abstract doctrine, it is well-settled that there must be similarity not in designation, but in the duties, responsibilities and functions to be discharged by the

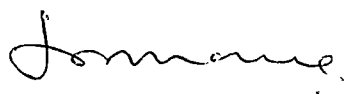
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incumbents of the posts. The case of the respondents is that the applicants fall in Category III of the IARI and cannot be equated with similar Artists in ICAR. Since there is nothing on record to show that the applicants have been performing the same and similar functions, the equation of pay with the posts claimed by the applicants, was not acceded to by the respondents. The equation of pay, vis-a-vis, the posts, is a matter primarily to be considered by the expert bodies and is ^{only} ~~not~~ to be judicially reviewed only in rarest of the rare cases, a tinkering is possible on the principles laid down in the case of ^{State of U.P. Vs.} J.P. Chaurasia ~~Vs. Union of India~~ reported in (1989) IS.C.C. Page 121

6. Regarding the promotion of the applicants to other categories since they have already retired or suffered the casualty, as pointed out by the learned proxy counsel for the respondents, the relief in that regard becomes infructuous. Similarly, the matter of striking down Rule 6.2 of the Technical Services Rules, regarding assessment in different categories and grades, the same is also not available to the applicants after they ceased to be the members of the Service.

7. We, therefore, find no merit in the application and the same is dismissed. No costs.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)