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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A. No. 1420/90

New Delhi 5th October, 1994.

Forest Survey Technical,
Employees Association,
25, Subash Road,
Dehradun,
Uttar Pradesh-248009.
through its General Secretary,
Shri S.P. Nautiyal

.....Applicant.

By Advocate Shri A.K. Behra -

Versus

1. The Government of India,
represented by
the Secretary to the
Government,
Ministry of Environment
and Forests and Wild Life,
Paryavaran Bhavan,
CGO
Complex Phase II,
Lodhi Road - 110 003.

2. The Director,
Forest Survey of India,
Dehradun

.....Respondents.

By Advocate Shri N.S. Mehta

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

JUDGMENT

By Hon'ble Mr. S.R. Adige, Member (A).

In this application, the Forest Survey Technical Employees (FSTE) Association have prayed for a direction to the respondents to revise the pay scale of Junior Technical Assistant (JTA) in the Forest Survey of India from Rs. 1400-2300 to Rs. 2000-3200 .

2. The applicants, all of whom ^{are in} said to ^{be} ~~have~~ ~~claimed~~ Junior Technical Assistants, state that their original pay scale was Rs. 425-700. According

to them, these posts are filled by promotion as well as by direct recruitment; direct recruitment is done by (i) graduates who are directly recruited and appointed as JTA ; and (ii) Forest Rangers who were working in the State Forest Service subject to their passing the forest course offered in the forest colleges. According to them, the 4th Pay Commission meted out the discriminatory treatment to them because the pay scale of Forest Rangers in different States has been raised to Rs.1640-2900 and in a State like Maharashtra it has been revised to Rs.2000-3200, while the JTA's pay scale was revised to Rs.1400-2300 only. Thus, they aver that the feeder category posts carry a higher pay scale than that of JTA itself. Further more, it is alleged that earlier, the post of JTA was equivalent to several other posts in the Central Govt. Service e.g. the Assistant Public Prosecutors i.e. both an Asstt. Public Prosecutor and JTA were drawing Rs.425-700 while the pay scale of others was revised to Rs.1640-2900 and even the JTA's pay scales were kept at a very low pay scale of Rs.1400-2300 which is discriminatory.

3. The respondents have contested this O.A. and state that the Senior Technical Assistants/ Junior Technical Assistants had represented about their pay scale to the respondents which was duly considered by the Anomaly Committee constituted under the Environment & Forests' Ministry. The said Anomaly Committee after due consideration did not recommend any revision of

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the pay scale of JTAs. Against that decision, the JTAs submitted another representation, which was also duly considered by the competent authority and the earlier decision was reiterated. It has been stated that the pay scales have been notified after careful and detailed consideration of the recommendations of the 4th Pay Commission and the representatives of the staff side were also consulted before notifying the relevant pay scales. It is stated that no requisition for filling up of the posts from amongst Forest Rangers working in the State Forest Departments was placed and no State Forest Ranger was recruited as JTA in the pay scale of Rs. 425-700. It is further averred that the State service posts of Forest Rangers cannot be treated as Feeder category posts of the JTAs of the Forest Survey of India which is a Central Govt. post. The State Govt. revised the pay scales of their employees from time to time and those scales cannot be made applicable to the employees of the Central Govt and vice versa. At the very initial stage, the services of the State Forest Rangers were obtained on deputation basis but they were reverted to the respective State Governments after the expiry of their deputation period and under the circumstances, the JTAs are appointed through direct recruitment from only one source.

4. We have heard Shri Behra for the applicants and Shri Mehta for the respondents. Shri Behra has

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urged that there was no consideration of the duties and responsibilities of the applicants-Association at the time the 4th Pay Commission had made its recommendations. As the Association had not been formed till then, no suggestions/representations were invited and there was no representative from FSI on the staff side in JCM either. In this connection, he has relied upon the ruling in 'Field Man Association, Deptt. of Agriculture Vs. UOI' 1991(15) ATC 57, in support of the preposition that while fixing pay scales, duties and responsibilities should be attached together. It is also asserted by him that although various averments have been made in the reply, they are not supported by materials on record, which is necessary vide 'G.Bhuwaneshwari Vs. UOI' - 1991(18)ATC 788. Specific attention has been drawn to the letter of the Director, FSI, to the Secretary, Ministry of Environment & Forests, dated 26/27.7.89(Annexure-R4), in which it has been stated that both, on grounds of official status as well as the duties and responsibilities discharged, the pay scale of JTAs should be increased. Shri Behra has also averred that the 4th Pay Commission has failed to apply its mind to the relevant criteria to the applicant's case.

5. We have considered this matter carefully. ^{Initially} ~~Initially~~, we thought of disposing of this application on merit, but in view of fact that the 5th Central Pay Commission has been constituted

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w.e.f. 9.4.94 and is already engaged in the task of examining the present structure of emoluments, conditions of service etc. of all categories of Central employees, including those belonging to the applicants-Association. We do not think it appropriate at this juncture to discuss the merits of the case when an expert body like the Central Pay Commission is already going into the matter, more so, because if we hold against the applicants on the merits of this case, it might prejudice any prayer that they might make before the 5th Central Pay Commission.

6. In the result, without going into the merit of this case, we dispose of this application with the observation that it would be open to the applicants-Association to represent their case before the 5th Central Pay Commission, if so advised, in accordance with the prescribed procedure, if already not done. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

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