

In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. CA-2455/90

Date: 15.1.1993.

Dr. N.T. Singh & Ors. Applicants

Versus

Union of India & Ors. Respondents

For the Applicants Shri Gobind Mukhatey, Sr. Advocate
with Shri R.B. Mishra and
Mrs. Meera Chibber, Advocate

For the Respondents Shri A.K. Sikri and Shri V.K.
Rao, Advocates.

CORAM: Hon'ble Mr. P.K. Kartha, Vice-Chairman (Jud.)
Hon'ble Mr. B.N. Dhoundiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*

(Judgement of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice-Chairman)

The applicants, who have worked as Directors in the various Institutes under the Indian Council of Agricultural Research (hereinafter referred to as the 'ICAR'), filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs:-

- (i) To direct the respondents to remove the discrimination amongst the same class of Scientists in the matter of their pay fixation; and
- (ii) to remove the anomaly created in the implementation of U.G.C. pay-scales for research management

W

position S-6 Scientists and refix the pay-scales of the applicants in line with the fixation of other S-6 Scientists who have been given the scale of Rs.7600(fixed) per month w.e.f. 1.1.1986.

2. During the pendency of the present application, the applicants filed MP-2624/92 on 26.8.1992, praying for restraining the respondents from taking further action for filling the post of Chairman, Agricultural Scientists Recruitment Board (A.S.R.B.) till the applicants are given the pay-scale of Rs.7600/-, to direct them to grant the pay-scale of Rs.7600 (fixed) to the applicants with immediate effect subject to the outcome of the main application, and to direct the respondents to consider the applicants also for the post of Chairman, A.S.R.B. after accepting their applications. On 15.9.1992, the Tribunal passed an interim order to the effect that any appointment to the post of Chairman, A.S.R.B., will be subject to the outcome of the present application.

3. We have gone through the records of the case carefully and have heard the learned counsel for both the parties. The I.C.A.R. was established as a Society in 1929. It has under it 43 research institutes, 9 project directorates, 27 National Research Centres, 67 All India Coordinated Research Projects, 117 Krishi Vigyan Kendras and Trainers Training Centres to

Qn

undertake implementation of its objectives and functions.

The Agricultural Research Service (A.R.S.) was started in October, 1975. A.S.R.B. is the recruiting agency for recruiting Scientists at various levels.

4. The Scientists in the I.C.A.R. holding research management positions, belong to the category of S-4 to S-8 with different pay-scales. For our present purpose, we may refer to Scientist S-5 which was in the pay-scale of Rs. 2000-2500, Scientist S-6 in the pay-scale of Rs. 2500-3000, Scientist S-7 and Scientist S-8 in the scale of Rs. 3000 (fixed).

5. On 9.3.1989, the I.C.A.R. introduced revised pay-scales in respect of A.R.S. Scientists of the I.C.A.R. and its research institutes. Those belonging to the category of Scientist S-5, were given the revised pay-scale of Rs. 4500-7300 and those in the category of Scientist S-6, were given the pay-scale of Rs. 5900-7300.

6. Thereafter, the revised pay-scale of Rs. 7600 (fixed) was introduced in respect of Deputy Directors General and Directors of deemed Universities (namely, I.A.R.I., I.V.R.I., C.I.F.E. and N.D.R.I.) and the National Academy of Agricultural Research Management (N.A.A.R.M.) w.e.f. 1.1.1986 by the order dated 22.8.1989.

7. Thus, Scientists belonging to the S-6 category, are getting two pay-scales, namely, those who hold the posts of Deputy Director General, the Directors of deemed Universities,

Q

and of the N.A.A.R.M., are given a salary of Rs.7600/- (fixed) per month, while the remaining Directors of the Institutes are given only the scale of Rs.5900-7300. This is the grievance of the applicants before us.

8. During the hearing of the case, we have been informed that there are in all 26 Scientists in S-6 category out of which, 13 are getting the pay of Rs.7600/- (fixed) per month and the remaining 13 are not getting the same pay-scale.

9. The applicants have contended that the fixation of pay of some of the S-6 Scientists at Rs.7600/- (fixed) and other S-6 Scientists in the scale of Rs.5900-7300, is contrary to the principles of tenurial postings on the Research Management posts. This would, in the long run, affect the rotation of the Scientists after completing the prescribed tenurial period.

10. Another argument of the applicants is that in fixing the pay-scales of some of the S-6 Scientists at Rs.7600/-, there has been 'pick and choose' procedure which is against the principles of natural justice. For example, the Director of N.A.A.R.M., who is in the grade of S-6, is given the pay-scale of Rs.7600/-, whereas the Director, Central Institute of Agricultural Engineering, Bhopal, who is also in the S-6 category, is given only the scale of Rs.5900-7300.

11. Of the applicants belonging to S-6 category, applicant No.1 was appointed by the I.C.A.R. as Director in the Central

Q

Soil Salinity Research Institute, Karnal, in 1988 in the pay-scale of Rs. 2500-3000. After the introduction of the U.G.C. pay-scales, he was given the replacement grade of Rs. 5900-7300. The representation made by him for removing the anomaly in the pay-scale, has not received any favourable response.

12. Applicant No.2 was appointed as Director, Indian Institute of Soil Science, Bhopal, in 1988 in the pay-scale of Rs. 2500-3000. Applicant No.3 was appointed as Director of National Bureau of Animal Genetic Resources in 1986 in the pay-scale of Rs. 2500-3000. He was given one advance increment. He made a representation for giving him the pay-scale of Rs. 7300-7600 and a subsequent representation for giving him the scale of Rs. 7600, but this has not been acceded to by the respondents.

13. Applicant No.4 was appointed as Director, National Bureau of Plant Genetic Resources in the pay-scale of Rs. 2500-3000 in 1988. He had been given Rs. 3000/- as Professor of Eminence. He made a representation to give him the revised pay-scale of Rs. 7600/- which has not been acceded to.

14. Applicant No.5 was appointed as Director, Central Institute of Agricultural Engineering in 1981 in the pay-scale of Rs. 2500-3000. He was only given the pay-scale of Rs. 5900-7300 w.e.f. 1.1.1986. He was, however, appointed in 1989 as Officer on Special Duty, I.C.A.E. to the post of

Deputy Director General (Engineering), Headquarters, on tenurial basis for a period of five years in the pay-scale of Rs.7600/- w.e.f. 20.10.1989.

15. Applicant No.6 was appointed as Director, C.S.W.R.I., Avikanagar in the pay-scale of Rs.2500-3000. His representation for giving higher pay-scale to him, has also not been accepted.

16. The applicants have argued that they were selected as Directors by the A.S.R.B. on account of their outstanding merit and they are Scientists of repute and eminence. They have challenged the discrimination in the pay-scales on the ground of violation of Article 14 of the Constitution.

17. The respondents have contended in their counter-affidavit that in the case of the Scientists working in the I.C.A.R., the pay-scale has been revised in the upward direction. The revised pay-scale of Rs.2500-3000 is Rs.5900-7300. The pay-scale of Rs.7600/- is given to Deputy Directors General, ICAR, as well as the Directors of 4 National Institutes, mentioned above. They have sought to justify this on the ground that the post of D.O.G. is admittedly higher than that of the post held by the applicants and it carries higher responsibilities and functions. Similarly, the four National Institutes are much more important and have been declared as 'deemed universities'. They have also relied upon the recommendations made by the Expert Committee set up by the I.C.A.R. and the Government of India, under the Chairmanship of Dr. M.V. Rao, Special

D

Director General, I.C.A.R., and Professor M.G.K. Menon. The ^{✓ concurred} U.G.C. also xxxx in the recommendation that the DDGs and Directors of deemed Universities be given the pay-scale as that of Vice-Chancellor, i.e., Rs.7600 (fixed).

18. In the case of National Academy of Karnal Research and Management, the respondents have stated that it was originally set up as a Staff College, Hyderabad some time in 1974-75. Though it has not been formally granted the status of deemed university, the Director of the Institute has been equated with Directors of National Institutes having the status of deemed Universities, in view of the fact that the Academy is primarily discharging the functions of education and training to Scientists and other personnel at national level in the country. The Management and other Courses are also organised by the faculty for Scientists and Teachers from I.C.A.R. and SAUs from time to time. According to them, the set-up of the Academy is, therefore, different from other Central Institutes.

19. The respondents have stated that the demand of the applicants for grant of the pay-scale of Rs.7600/- was considered in depth in consultation with the Ministry of Finance, Department of Expenditure. The Ministry of Finance have, however, not agreed to the same.

20. In our opinion, the question of pay-scales is a matter to be decided primarily by the Department concerned having

A

.....8...

regard to the functions and responsibilities of the various posts. In the instant case, Expert Committees had gone into the matter and recommended two pay-scales for Scientists in S-6 category. In the facts and circumstances, there is no material on record to indicate any 'pick and choose' procedure followed by the respondents, as has been alleged by the applicants.

21. There is, however, another aspect of the matter. All the Scientists in the S-6 category are persons of repute and eminence. All of them are aspirants for the post of Chairman, A.S.R.B. In the interest of justice and fairplay, we are of the opinion that all the Scientists belonging to S-6 category, irrespective of their pay-scales, shall be considered for appointment to the post of Chairman, A.S.R.B. We do not see any reason or justification in restricting the field of choice only to those who draw the pay-scale of Rs.7600/- (fixed). Accordingly, while we do not see any merit in the main prayer of the applicants for granting them the pay-scale of Rs.7600/- per month, we are of the opinion that the names of the applicants and those similarly situated belonging to the S-6 category, should be considered by the Search Committee constituted to fill up the post of Chairman, A.S.R.B., irrespective of the pay-scales drawn by them. The choice of the Chairman, A.S.R.B. should be made on the said basis. We order and direct accordingly. There will be no order as to costs.

B. N. Dhumal,
(B.N. Dhumal)
Administrative Member

arun S
15/11/83
(P.K. Kartha)
Vice-Chairman(Judl.)