

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA.NO.2667/90
MA. NO.3199/90

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Hon'ble Shri J.P.Sharma, Member(J)
Hon'ble Shri P.T.Thiruvengadam, Member(A)

New Delhi, this 22nd day of February, 1995

Dr.R.D.Sharma,
S/o Late Shri Ravi Datt Shastri
r/o B-38, Krishi Vihar
New Delhi - 110 048.

Dr.(Mrs.)A.M.Wadhvani
w/o Shri M.Wadhvani, Advocate
11/25, East Patel Nagar
New Delhi

Shri Chhotey Lal
s/o Late Shri Munna Lal
r/o 31-B Janta Flat
Ashok Vihar
Phase-III
Delhi-52

Shri S.S.Srivastava
s/o Late Shri m.N.srivastava
r/o B-22, F-1, Dilshad Garden
Delhi-95

Mrs.N.R.Vijay Lakshmi
w/o Shri C.G.Krishnan
r/o C-2-C/Pocket 12/66
Janakpuri
New Delhi.

Shri A.K.Dubey
s/o Shri P.D.Dubey
r/o A-8, Kaveri Apartment
IARI
New Delhi-12

Shri P.Lakshaman Doss
S/o Shri V.Pethanan Chettior
r/o B-37, Kaveri Apartment, IARI
New Delhi.

Shri Bheem Singh
s/o Late Shri Bhagwat Singh
r/o B-5, Type V, IARI
New Delhi.

Shri S.D.Sharma
s/o Shri Rama Nand Sharma
r/o 103, Krishi Niketan
A/6, Pashchim Vihar
New Delhi-63

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Shri R.R.Lokeshwar
s/o Shri R.V.Lokeshwar
r/o 52/22, Ramjas Road
Dev Nagar, Karol Bagh
New Delhi.

Shri S.N.Tata
s/o Late Shri K.M.Tata
r/o B-44, Krishi Vihar
New Delhi-48.

..... Applicants

(By Shri G.D.Gupta, Advocate)

Vs.

U.O.I. through

1. The Secretary to the GOI
M/o Agriculture & Cooperation,
Department of Agricultural Research
and Education
Krishi Bhawan
New Delhi-1.

2. The Director General
Indian Council of Agricultural Research
Krishi Bhawan
New Delhi - 110 001.

..... Respondents

(Shri V.K.Rao, Shri A.K.Sikri, Advocates)

O R D E R (Oral)

Hon'ble Shri J.P.Sharma, Member(J)

The applicants are holding a Group 'A' post (category-III), technical officers, under the ICAR at the relevant point when this application was filed. The other service in ICAR is Scientific Services, which pertains to Scientific Officers. The grievance of the applicants is that they are not placed with regard to pay scales at par with the Scientific Officers from 1.1.1986. Relief prayed by the applicants is for a declaration that the Technical Officers holding various Group 'A' posts are entitled to be placed at par with Scientific Officers in Group - A in the matter of grant of pay, on the basis of the recommendations of the Central Fourth Pay Commission and as

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such they are entitled with the same scales of pay as are given to the Scientists holding in various Group-A posts on scientific side w.e.f. the same date i.e, 1.1.86.

2. A notice was issued to the respondents. The respondents jointly filed the reply opposing the grants of reliefs prayed for. The applicants have also filed the rejoinder to the reply filed by the respondents.

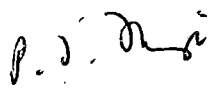
3. When the case came for hearing today, Shri S.D.Gupta appeared for the applicants and made a statement that if the respondents consider the case of the applicants through an Expert Body with regard to the equation of pay with the scientific side of Group 'A' officers. In that event, at present the applicants are not pressing this application, for judicial review of the matter. Shri G.D.Gupta also pointed out that the service both technical and scientific were constituted in 1975 and till the implementation of the Central Fourth Pay Commission reports w.e.f. 1.1.1986 that the pay scales of Group 'A' officers technical side and that of the pay scales of Group 'A' scientific side were same. It appears, that ICAR has issued an order on 9.3.1989 whereby the scientific side has been given certain higher scale of pay keeping in view of the UGC package. Though, it is not yet fully settled whether UGC packages has been applied in toto or not. But the stand of the respondents has been that mutatis mutandis UGC package has been applied.

4. In view of the above, the learned counsel prayed that instead of judicial review of the fixation of pay scales of Technical side in ICAR, at this stage, a chance

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be given to respondents for constituting an Expert Body Committee as has been constituted earlier in the case of scientific side of Group 'A' officers for considering the issue of equation of pay of Technical officers with Scientific officers.

5. In view of the above facts, as the application is not pressed on merit, we dispose of this application with the observation that the applicants are free to make a representation jointly or severally to the Director General, ICAR highlighting their grievances and the respondents to consider the representation of the applicants equitably and fairly vis-a-vis the pay scales of scientific side of Gr. 'A' posts in ICAR. Shri A.K.Sikri for the respondents did not oppose this contention of the applicants counsel and submitted that he will accordingly advise the respondents. The applicants if so advised may take the issue departmentally by making the representation within one month from today and the respondents to consider the same within three months thereafter. This application as such being not pressed by the applicants at present consigned to Record Room of the Tribunal. However, they will have liberty to assail their surviving grievance, if any, after the aforesaid proposed departmental ^{remedy} ~~enquiry~~ is exhausted either by reviving this application or by filing a fresh application on different cause of action. Accordingly consigned to Record Room.


(P. T. THIRUVENGADAM)

MEMBER(A)

/RAO/


(J. P. SHARMA)

MEMBER(B)