

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 1820/93

New Delhi this the 11th Day of February, 1994.

Shri N.V. Krishnan, Vice-Chairman (A)

Dr. Deo Pal, son of late  
Shri Har Pal Singh,  
Senior Scientist Division of Soil  
Science and Agricultural Chemistry,  
I.A.R.I., Pusa  
New Delhi-110012.

...Applicant

(Applicant in person)

Versus

Indian Council of Agricultural  
Research, through its Secretary,  
Krishi Bhawan, Dr. Rajendra  
Prasad Road, New Delhi.

...Respondent

(By Advocates Shri A.K. Sikri with Sh. V.K. Rao)

ORDER(ORAL)

The applicant is a Senior Scientist in the Indian Agricultural Research Institute (IARI), New Delhi which is one of the Institutes under the respondent. His grievance is that on the revision of pay scales, the date of increment of his pay in the revised pay scale has been so fixed that he suffers by comparison to the similar date of increment given to his junior Amar Singh. His representation in this behalf having been rejected by the Annexure A letter of the respondent on the ground that there is no concept of inter-se-seniority amongst Agricultural Research Service Scientists like the applicant, the question of giving relief on this account did not arise.

2. The brief facts are as follows:

2.1 The applicant and Amar Singh with whom he compares himself had the following service particulars relevant for the consideration of this OA:-

contd...2.

Date of appointment as Scientist-II in ARS

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<u>Applicant</u>	<u>Amar Singh</u>
1.1.1984	February, 1984

Pay on date of appointment in the scale of Rs.1100-1600

1100	1100
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Pay on 1.1.1985

1150	1100
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February, 1985

1150	1150
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1.1.1986

1200	1100
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2.2 By the Annexure B letter dated 9.3.89 addressed by the respondent to all the constituent units, including IARI, they were intimated that revised pay scales as mentioned in the table therein has been made applicable w.e.f. 1.1.86. It is not disputed that the revised pay scale applicable to the applicant and Amar Singh was Rs.3700-5700. It is also not disputed that both the applicant and Sh. Amar Singh were fixed in the revised pay scale of Rs.3700-5700 at the stage of Rs.3700 as on 1.1.86.

2.3 The problem started thereafter. In terms of para 6 of that letter relating to the date of next increment in the revised pay scale, this was granted to Amar Singh from 24.2.86 because that was the normal date of increment prior to revision. Thereafter his pay was raised to Rs.3,825/- from that date. On the basis of the same rule the applicant was given the benefit of next increment only from 1.1.87.

2.4 The applicant contends that this assignment of the next date of increment was not correct,

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as this has been done without reference to para 6 Annexure B letter regarding revised of the 1/ pay scales. The relevant portion of that paragraph is reproduced below:-

"6. DATE OF NEXT INCREMENT IN THE REVISED SCALE:

The next increment of an employee whose pay has been fixed in the revised scale in accordance with para 5 above shall be granted on the due date on which he would have drawn his increment, had he continued in the existing scale.

(i) Provided that in cases where the pay of a Council employee is stepped up in terms of Note 3 or Note 4 or Note 7 to para 5 above, the next increment shall be granted on the completion of qualifying service of twelve months from the date of the stepping up of the pay in the revised scale;

(ii) Provided further that in cases other than those covered by the preceding proviso, the next increment of a Council employee, whose pay is fixed on the 1st of January, 1986 at the same stage as the one fixed for another Council employee junior to him in the same cadre and drawing pay at a lower stage than his in the existing scale, shall be granted on the same date as admissible to his junior, if the date of increment of the junior happens to be earlier;"

2.5 It is in these circumstances that he made a representation, which has, as mentioned above, been rejected by the impugned Annexure A letter. The applicant has prayed for quashing this impugned order and to direct the respondent to fix his pay at the stage of Rs.3,825/- from 1.2.86, as has been done in the case of Amar Singh.

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3. The respondents have filed their reply, reiterating the stand taken in the impugned order. It is stated that the concept of seniority does not obtain in the organisation. Each ARS Scientist is treated as a separate officer on his merit, irrespective of what happens to his colleagues.

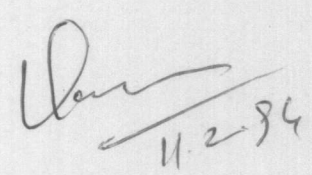
4. I am not impressed by this argument. That may be true for the purpose of service prospects. However, in so far as the revised pay scale is concerned, the Annexure B letter dated 9.3.89 itself envisages parity in certain respects between a "junior" person and a "senior" person who may have been aggrieved by the treatment given to the junior. It is because of this that the provision has been made in the second proviso to para 6 of that circular, reproduced above. The prerequisite conditions for the application of that proviso are fully satisfied in the present case. I have to mention here that, for this purpose, Amar Singh has necessarily to be treated as junior to the applicant for the simple reason that he was appointed to the S-2 grade about a month later than the applicant. Hence, Amar Singh is his junior. The other conditions having satisfied, I am of the view that the applicant is entitled to the relief claimed for.

5. In the circumstances, the applicant should be given the pay of Rs.3,825/- with effect from the same date as has been given to Amar Singh and his next date of increment in the pay scale of

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(M)

Rs.3700-5700 should be the same as that which has been fixed for Shri Amar Singh. The benefit of order this/ shall be granted to the applicant within a period of three months from the date of this order. The O.A. is allowed, as above. No costs.

  
11.2.84

(N.V. KRISHNAN)  
Vice-Chairman(A)

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