

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 1st day of September 2003.

Original Application no. 441 of 1996.

Hon'ble Maj Gen KK Srivastava, Member (A)
Hon'ble Mr AK Bhatnagar, Member (J)

1. Dr. Jagdish Chandra Verma, S/o late Sri ML Verma,
r/o D-7, Priya Darsani Nagar, Iaatinagar, Bareilly.
2. Dr. Vinay Pratap Singh, S/o late Sri G.K. Pandia
r/o 1134 Janakpuri, Izatnagar, Bareilly.
3. Dr Balvir Singh Rathore, S/o late Sri HS Rathore,
r/o 146 Janakpur, Izatnagar, Bareilly.
4. Dr. Aahooja, S/o late Sri Thanaram,
r/o House no. B-60, Model Town, Bareilly.
5. Dr. Yashpal Singh, S/o late Sri T.R. Kamboj,
r/o Plot No. 12, Type 'D' IVRI (Campus),
Izatnagar, Bareilly.

.... Applicants

By Adv : Sri R.D. Agarwal

Versus

1. Union of India, through the Director (Personnal),
Indian Council of Agricultural Research, Krish Bhawan,
Dr. Rajendra Prasad Road, New Delhi.
2. Director General/Secretary, C.R.A./ President,
Committee, on Agricultural Research Services
Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi.
3. Director, Indian Veterinary Research Institute,
Post Izatnagar, Distt. Bareilly.

... Respondents

By Adv : Sri DP Tripathi, Sri JN Tiwari

2.

O R D E R

By Maj Gen KK Srivastava, Member (A).

In this OA, filed under Section 19 of the A.T. Act, 1985, the applicants (five in number) have prayed for following reliefs:-

- a. a. issue a writ, order or direction in the nature of certiorari for quashing the impugned order dated 25.9.1995. (Annexure 2) of
- b. issue a mandamus directing the respondents to put up the annual 5 yearly assessment report of performance period ending 31.12.1985 of the applicants under review system before the proper assessment committee in regard to grant of promotions from grade S-2 to Grade S-3 w.e.f. 1.1.1986 under ICAR/ARS Service Rules and conditions in accordance with the Judgment of Hon. Supreme Court and Tribunal referred in preceding paras and sub. paras.
- c. issue mandamus directing the respondents to award the all consequential benefits to the applicants after assessment of performance report period ending 31.12.85 by the assessment committee in accordance with law w.e.f. 1.1.86 in the interest of justice.
- d. issue a mandamus directing the respondents to act according to their notification dated 15.12.1994 (Annexure A-27) and disposed of the matter of the applicants in regards to assessment period ending 31.12.85 for promotion from grade S-2 to S.3 wef 1.1.86 under Article 141/142/144 of Constitution.
- e....."

2. The applicants in this OA have approached this Tribunal for redressal of their grievances for non consideration of promotion from Scientists Grade S-2 to Scientists Grade S-3 in accordance with the Agricultural Research Service Rule 1975 (in short Rule of 1975). 99 Scientists of Indian Veterinary Research Institute (in short IVRI) working under respondent

Am

no. 3 filed OA no. 1703 of 1993. The facts of OA no. 1703 of 1993 are similar. On perusal of pleadings in this OA as well as the judgment dated 31.1.2002 passed in OA no. 1703 of 1993, we find that by and large the facts and pleadings of 1993, are the same. OA no. 1703 of 1993 was finally decided by the following orders on 31.1.2002:-

"We have carefully considered the submission of learned counsel for the parties and in our opinion, in the facts and circumstances mentioned above, we do not find any delay and latches on the part of the applicants, they are entitled for the relief. The OA is accordingly allowed in part. The respondents are directed to consider the claims of the applicants with regard to their promotions to scientists gr S-3 under Rules of 1975 with regard to the years 1985, 1986, 1987 & 1988 and promote the applicants if they are found suitable in the assessment and satisfy other conditions. We also make it clear at this stage that in case the applicants have been conferred benefits under new scheme relating to UGC pay scales under **scheme of 1989 or Rule of 1991** they will be entitled to adjust the same, while giving benefits of promotion under Rules of 1975."

We are in respectful agreement with the same. This OA is ^{above} squarely covered by the judgment passed in OA no. 1703 of 1993. In the impugned order dated 22.6.1993 respondent no. 2 has informed as under :-

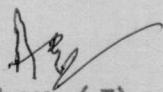
"विदित है कि 1-1-88 से परिषद में विश्वविद्यालय अनुकान आयोग वेतन प्रणाली के लागे होने पर 5 वर्षीय मूलयांकन की प्रक्रिया 31-12-85 को समाप्त हो गई है। फिलहाल 31-12-85 को समाप्त अवधि के 5 वर्षीय मूलयांकन के परिणाम स्वरूप 1-1-86 और 1-7-86 से प्रोत्तंत वैज्ञानिकों को नए उचित वेतनमान देने का मामला न्यायाधिकरण में विचाराधीन है। कृपया निर्णय की प्रतीक्षा करें।"

4.

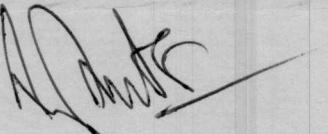
Even the respondents have taken no decision in view of the facts that the matter has been subjudice. However, since the controversy stands resolved by the judgment of this Tribunal dated 31.1.2002 passed in OA no. 1703 of 1993 nothing more remains to be decided.

3. In the facts and circumstances the OA is allowed in part and is finally disposed of with the same terms and conditions as directed in OA no. 1703 of 1993 (reproduced in para 2ante).

4. There shall be no order as to costs.



Member (J)



Member (A)

/pc/