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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
SITTING AT NAINITAL

Original Application No. 920 of 1997

this the 13th day of June' 2001.

HON'BLE MR. S. DAYAL, MEMBER (A)
HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

M.P. Juyal, S/o late Sri J.P. Juyal, Central Soil Residential Colony, 218 Kaulagarh Road, Dehradun at present working as Draftsman in Central Soil & Water Conservation Research & Training Institute, 218, Kaulagarh Road, Dehradun.

Applicant.

By Advocate : Sri R. Dhobhal.

Versus.

1. Union of India through Secretary, Ministry of Agriculture, New Delhi.
2. Indian Council of Agriculture Research through Secretary, Krishi Bhawan, New Delhi.
3. Director General of Indian Council of Agriculture Research, Krishi Bhawan, New Delhi.
4. Director, Central Soil & Water Conservation Research & Training Institute, Dehradun.
5. Administrative Officer, Central Soil & Water Conservation Research & Training Institute, Dehradun.

Respondents.

By Advocate : Sri N.P. Singh.

With

Original Application No. 927 of 1997.

Deepak Kaul, S/o late Sri G.N. Kaul, R/o 3/15/4 Prem Nagar, Dehradun at present working as Draftsman in Central Soil & Water Conservation Research & Training Institute, 218, Kaulagarh Road, Dehradun.

Applicant.

By Advocate : Sri R. Dhobhal

Versus.

1. Union of India through Secretary, Ministry of Agriculture, New Delhi.
2. Indian Council of Agriculture Research, through Secretary, Krishi Bhawan, New Delhi.
3. Director General, Indian Council of Agriculture Research, Krishi Bhawan, New Delhi.
4. Director, Central Soil & Water Conservation Research & Training Institute, Dehradun.
5. Administrative Officer, Central Soil & Water Conservation Research & Training Institute, Dehradun.

Respondents

By Advocate : Sri N.P. Singh.

O R D E R (ORAL)

S. DAYAL, MEMBER (A)

As the facts and issues are similar, they have been heard together and a common order is being passed.

2. Both the above-mentioned O.As have been filed for declaring the orders of the respondent no.4 dated 19.11.1996 as illegal and for setting-aside the said order. The applicants have also sought that the directions may be issued to the respondents to give the salary in the pay-scale of Rs. 1200-2040 w.e.f. 23.3.1989.
3. The cases of the applicants are that in response to an advertisement published by the Central Soil & Water Conservation Research & Training Institute, (Institute in short) in 'Employment News' inviting the applications for two posts of Draftsman (T-1) in the pay-scale of Rs. 975-1540/- per month. Both the applicants had applied for the said posts and were selected and appointed by orders dated 23.3.1989. The applicants joined their duties on 27.3.1989. After seven months of service of the applicants, two posts of Draftsman (T-2) in the

pay-scale of Rs. 1200-2040/- per month was advertised by the respondent no.4 on 5.10.1989. The applicants claim to have known about the down gradation of three posts of Draftsman (T-2) in the pay-scale of Rs. 975-1540/- in the year 1995 although the down gradation has been done in the year 1984. The applicants thereafter made a representation to the respondent no.4. The said representation^{were} ~~was~~ rejected on 19.10.96^{and 18-11-96 respectively} ~~by~~ ^{dated 1-2-97} The applicants filed ~~an~~ appeals to Director of the Institute, Dehradun and requested to forward the appeal to Director General, Indian Council of Agriculture Research (I.C.A.R. in short), New Delhi. The applicants were informed on 31.5.1997 by the respondent no.5 that in the matter of grant^{Rs 1200-2040 per month} pay-scale of ~~pay-scale of the applicants~~ ^{of the applicants}, a decision has already been taken by the respondents vide their order dated 19.10.96. Hence, the applicants have filed these O.As.

4. The arguments of Sri Rajendra Dhobhal, learned counsel for the applicants and Sri N.P. Singh, learned counsel for the respondents have been heard.

5. The learned counsel for the applicant has based the claim of the applicants for being given the pay-scale of Rs. 1200-2040/- per month on the ground that other candidates working on the post of Draftsman (T-2) in the Institute and appointed after the applicants were being paid the pay-scale of Rs. 1200-2040/-, while the applicants have been paid the pay-scale of Rs. 975-1540/-. It is claimed that the applicants while working as Draftsman ^{are} (T-1) discharging^g the same duties as the candidates working on the post of Draftsman (T-2). It is also claimed that the educational qualifications and nature of work of both the posts are same. It is further claimed that ~~the~~ ^{the} lowest pay-scale of Draftsman is Rs. 1200-2040/- in the Institute, which is being paid to the other candidates appointed after the applicants. It is also claimed that the post can be down graded only after obtaining the

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approval of the Director General of ICAR and that no such approval was obtained.

6. Since the applicants have raised the issue of parity of pay-scale in the various Institutes of ICAR and the applicants had made an appeal through proper channel to the Director General on 1.2.1997, which does not appear to have been forwarded to the Director General of ICAR, New Delhi by the Director of the Institute, we consider it appropriate in the interest of justice to direct the respondent no.3 to decide the appeal of the applicants within a period of three months from the date of communication of this order by the applicants with copies of their appeals. ✓

7. With the above observations, both the O.As stand disposed of with no order as to costs.

Rajyudha
MEMBER (J)

[Signature]
MEMBER (A)

GIRISH/-