

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD

ORIGINAL APPLICATION NO.1509 OF 2004

ALLAHABAD THIS THE 13th DAY OF DECEMBER, 2006

HON'BLE DR. K.B.S. RAJAN, J.M.
HON'BLE MR. A. K. SINGH, A.M.

Dr. Ashok Kumar Jain,
Son of Dr. M.S. Jain,
Resident of 127, Taigore Nagar,
Dayal Bagh, Agra.

..... .Applicant

By Advocate: Shri A. K. Sachan

Versus

1. Union of India, through the Secretary, Ministry of Agriculture Krishi Bhawan, New Delhi.
2. The Department of agriculture and Co-operation, Ministry of agriculture, Govt. of India, Directorate of Economics and Statistics, New Delhi-110001 through its Economic and Statistical Adviser.
3. Additional Economic Advisor, Directorate of Economic and Statistics (Cost Study branch), Shastri Bhawan, New Delhi.
4. The Principal, Raja Balwant Singh College, Raja Balwant Singh Road, Agra-282002.

..... .Respondents

By Advocate : Shri S. P. Sharma & Shri A. K. Singh

O R D E R

HON'BLE DR. K.B.S. RAJAN, J.M.

What are the pre-requisites for parity in respect of two posts? - is the question to be decided in this case.

2. The applicant (since retired at the age of 60), earlier working as Statistician in the respondents'

organization contends that the said post has to be equated with that of a teaching/scientist cadre and the benefits of service up to 62 years, as available to the teaching/scientists cadre should be made available to him as well.

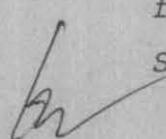
3. Brief facts as contained in the OA are as under:-

(a) The applicant was appointed in R.B.S. College Agra as Statistical Assistant at the center for Farm Management Studies Bichpuri Agra, a scheme sponsored by the Ministry of Agriculture Govt. of India, in the grade of Rs.250-450 plus an adhoc pay of Rs.20 per month. Thereafter he was transferred to the Indicators Scheme from 1st. September 1969 in the pay scale of Rs.250-450 plus D.A.

(b) There was a scheme to study the cost of cultivation of principal crops in U.P. The main object of the scheme is to supply the cost estimates so worked out to the Commission for Agricultural cost and prices for its use in the price policy of the Central Govt.

(c) The work of the applicant is purely academic and depends on the experience, work of the Statistician in the Scheme is equivalent to the Teachers and Scientist. The pay scale in respect of field Supervisors and Assistant Statistician is Rs.300-25-600 equivalent to the Lecturer in the Degree College. Thereafter the pay scale of the statistician and field Supervisor were revised to Rs.550-900.

(d) The respondent no.4 has again revised pay scale from Rs.550-900 to Rs.700-1600 for field Supervisor and Statistician.



(e) On 01.01.1986, the pay scale of the applicant equivalent to the Lecturer has been revised and fixed in proportion of Rs.3700-5700.

(f) By letter dated 10.09.1992 the pay scale was revised as Rs.1740-3000 but cadre of the applicant (Teaching Group) has not been changed.

(g) The applicant was provisionally continued his services even in the proposed scale of Rs.1740-3000 as a gesture of good will. Letter dated 19.03.1994 and 10.04.1993 terminations orders were served to the entire staff of the Scheme consisting of 104 persons.

(h) The applicant made detailed representation to respondent no.1 and 2 by which applicant has demanded justice in respect of illegal reduction of pay scale.

(i) The respondent no.4 has first time changed Cadre vide order dated 05.10.1996 from Teaching Cadre to Non-teaching Cadre. The applicant has challenged order dated 5.10.1996 and filed O.A. No.509/1997. The Hon'ble Court has allowed the applicant vide judgment dated 18.04.2002. The scale of 3700 to 5700 has been restored, which is equivalent to Reader.

4. Preliminary objections by the respondent No. 4:
 Both limitation and jurisdiction are the two preliminary objections raised by the fourth respondent.

5. Other contention raised by Respondent No. 4:

However, it is submitted that mere mention of equality in pay scale with the Lecturer will not amount to holding of a post of teaching staff. It is further submitted that only senior scale of Post of Assistant Statistician and Field

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Supervisor has been equated with the pay scale of Lecturer.

6. Arguments were heard and documents perused.

7. Annexure A-1, A2 and A-5 of the OA meet the preliminary objection and this Tribunal has jurisdiction to deal with the subject matter. Apart from that admittedly, the applicant was working under a scheme sponsored fully by Ministry of Agriculture. Hence this aspect of the preliminary objection is decided in favour of the applicant.

8. As regards limitation, the matter being a continued cause of action, limitation is not applicable in this case.

9. Now on merit. The applicant's claim for equation of his post with Teaching/Scientists cadre is based on the following documents/provisions:-

- (a) Annexure A-6 letter dated 19-09-1973 (equation with lecturer).
- (b) Annexure A-24 letter enhancing the pay of the applicant to 3,700 - 5,700
- (c) Annexure A-26 order of the Tribunal
- (d) Annexure CA 3.

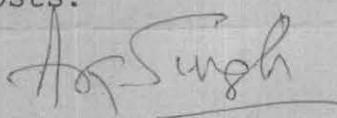
10. The above may at best would go to show that there has been equation of pay comparison with the Teaching/scientist cadre. Whether mere equation of pay would suffice to treat the post of Statistician as a teaching or scientist cadre. The following are the general guidelines/norms in respect of equation of posts:-

- (a) Nature and duties of a post;
- (b) Powers exercised by the officers holding a post, the extent of territorial or other charge held or responsibilities discharged;
- (c) The minimum qualifications, if any, prescribed for recruitment to the post and;
- (d) The salary of the post.

S.P. Shivprasad Pipal v. Union of India, (1998) 4 SCC 598,

11. Save pay aspect, no other criterion is fulfilled in this case. Even the pay aspect is that the pay is personal to the applicant, vide order dated 6th March, 1995 (Annexure A-25). Thus, the applicant could not make out a case and the OA being devoid of merits, only dismissal and we order so.

No costs.



Member-A



Member-J