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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

ALLAHABAD BENCH, ALLAHABAD.

original Application No. 552 of 1995.

this the 15th day of March' 2001.

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

HON'BLE MR. S. BISWAS, MEMBER (A)

1. S.N. Gupta, Stenographer Grade-III, working in the office of the Central Soil & Water Conservation Research & Training Institute, 218, Kaulagarh Road, Dehradun.
2. Sunil Kumar.
3. Munni Devi.
4. Mamta Negi (Smt.)

... Applicants.

By Advocate : Sri V. Nath.

Versus.

Union of India through Director General, Indian Council of Agricultural Research & Secretary, Government of India, Krishi Bhawan, New Delhi.

2. Secretary, Indian Council of Agricultural Research, Krishi Bhawan, New Delhi-
3. Director, Central Soil & Water Conservation Research & Training Institute, 218, Kaulagarh Road, Dehradun. (U.P.)

... Respondents.

By Advocate : Sri N.P. Singh.

O R D E R (O R A L)

RAFIQ UDDIN, MEMBER (J)

By means of this O.A., the applicants who are working as Stenographer Grade-III in the pay-scale of Rs. 1200-2040/- in the office of Central Soil & Water Conservation Research & Training Institute (in short institute), have sought directions to the respondents to implement the scheme of upgradation with retrospective effect i.e. from 1.1.1986 and to fix their pay on the post of Stenographer Grade-II in the pay-scale of Rs. 1400-2300/- with all consequential benefits.

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2. Briefly stated the facts of the case are that the post of Junior Stenographer was re-named as Stenographer Grade-III in the revised scale of Rs. 1200-2040/- w.e.f. 1.1.1986 in terms of the recommendations of the IVth Pay Commission. The pay-scale of the Scientists (Officers) against whom the applicants are attached, were upgraded and implemented w.e.f. 1.1.1986. The Ministry of Personnel P.G. & Pensions, Departmental of Personnel & Training, Government of India, vide O.M. ~~dated~~ no. 22034/5/87-Estt.(D) dated 30.1.1991 in order to improve the promotion prospects of Stenographers in the Non-Secretariat/Sub-ordinate offices, issued the instructions to all the Ministries including the Ministry of Agricultural that wherever possible, on functional consideration, one Stenographer Gr.II (Rs.1400-2660) may be provided to two officers entitled for a Stenographer Gr.III (Rs.1200-2040) each. As a result of implementation of this scheme, the upgradation of certain posts from the level of Rs. 1200-2040 to the level of Rs. 1400-2600 and also from the level of Rs. 1400-2600 to the level of Rs. 1640-2900/- was made.

/ It was directed that the expeditious action be taken to implement this decision so as to relieve stagnation among the Stenographers in non-Secretariat/sub-ordinate offices under them. The grievance of the applicants^{is} that the respondents have not implemented the scheme, in question, and have not upgraded the posts of the applicants from Stenographer Grade-III to Grade-II despite the several representations having been made. It is further stated that the similarly situated incumbents of the Indian Council of Agricultural Research and other Institutes were given the benefits of upgradation of their pay-scale, whereas the applicants have been deprived of the same. The reasons for not implementing the scheme is not known to the applicants.

3. We have heard the learned counsel for the applicant as well as the respondents and have also perused the pleadings on record.

4. It is relevant to mention here that the applicant no. 3 Smt. Munni Devi has already been placed to the post of Stenographer Grade-II w.e.f. 2.9.93. Similarly the posts of the applicant nos. 1, 2 & 4 have also been allowed for upgradation of the post of Junior Stenographer by I.C.A.R. vide letter dated 30.11.1995. It may be stated that the upgradation order of the applicants has been passed on the basis of the approval given by the I.C.A.R. vide his letter dated 30.11.1995 whereby the revised structuring of the post of Stenographers at the Institute, Dehradun, has been made.

5. Thus, now the only question remains for consideration whether this upgradation should be implemented from 1.1.86 as claimed by the applicants or from the date of the structuring has been made by the I.C.A.R. It has been contended by the learned counsel for the applicants that structuring of the post of Stenographers posted in I.C.A.R. Headquarters was made w.e.f. 1.1.1986, whereas in the case of the applicants, the same has been done only w.e.f. 30.1.1993, hence it is a case of discrimination. The respondents has, on the other hand, contended that since the posts in the higher grade of Stenographers at the Institute Dehradun (respondent no.3) were not available, hence the case of the applicants for upgradation as Stenographer Grade-II could not be considered and also the approval was received from the I.C.A.R. only on 30.11.1995. The case of the applicants was considered in accordance with the recommendations of the Departmental Promotion Committee and found that no post in the higher grade was available at the Institute, hence the upgradation of the post occupied by the applicants was not done. It is not disputed that the appointing authority of the applicant is Director of the Institute, therefore, the applicants cannot claim parity with the Stenographers posted in the ICAR Headquarters. The applicants also cannot claim the arrears of pay for the period when the post is not actually upgraded.

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6. Thus, we do not find any merit in the case of the applicant, therefore, the application deserves to be dismissed. The O.A. is dismissed accordingly. No order as to costs.

S. Biswas
MEMBER (A)
GIRISH/-

Rajendra
MEMBER (J)