

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ALLAHABAD this the 02nd day of *November, 2006.*

ORIGINAL APPLICATION NO. 1215 OF 2003

HON'BLE MR. JUSTICE KHEM KARAN, VICE-CHAIRMAN.
HON'BLE MR. M. JAYARAMAN, MEMBER- A.

1. Ajai Kumar, S/o Sri Baldeo, R/o 90/III,
Kendranchal Colony, Near Naubasta Police Station, Kanpur.
2. D.K. Mittal, S/o Sri N.R. Mittal, R/o 57 Type-III,
Gujaini, Distt. Kanpur.
3. Santosh Kumar Gupta, S/o Sri R.N. Gupta,
R/o 133/ 171, M- Block, Didwai Nagar, Distt. Kanpur.
4. Aarti Sarswat, D/o Sri P.N. Sarswat, R/o 112/240,
Gaur Bhawan, Swaroop Bhawan, distt. Kanpur.
5. G.S. Patel, S/o Sri Laxman Singh Patel, R/o 28/III,
CPWD Colony, Kendranchal Gujaini, Distt. Kanpur.
6. Pankaj Kumar Vasts, S/o Late Banwari Lal Sharma,
R/o 15/III, Kendranchal Colony, Gujaini, Kanpur.

.....Applicants.

VE R S U S

1. Union of India , through its Secretary, M/o Agriculture,
D/o Agriculture and Cooperation, Krishi Bhawan,
New Delhi.
2. Plant Protection Advisor to the Govt. of India,
M/o Agriculture, D/o Agriculture and Cooperation,
Directorate of Plant Protection Quarantine and Storage
Shastri Bhawan, New Delhi .



3. M/o Finance, Central Secretariat, New Delhi, through its Secretary.
4. Department of Personnel and Training, M/o Public Grievance and Pension, through its Secretary, Govt. of India, North Block, New Delhi.
5. Chairman, 5th Central Pay Commission, 3rd Floor, Trikot -I Building, Bhikaji Camp, Place R.K. Puram, New Delhi

..... Respondents

Counsel for the Applicant: Sri Chandrika Prasad
 Counsel for the Respondents : Sri S.C. Mishra

ORDER

BY HON'BLE MR. JUSTICE KHEM KARAN, VC..

Heard Sri Chandrika Prasad, learned counsel appearing for the applicant and Sri S.C. Mishra for the respondents.

2. The applicants have prayed for the following relief(s): -
 - (i). To issue a writ, order or direction in the nature of mandamus directing the respondents to adjust the applicants in the same group of qualification i.e. in the group of Master's degree as minimum qualification for the applicants in M.Sc. (Chem.);
 - (ii). To issue a writ order or direction in the nature of mandamus directing the respondents not to discriminate the applicants i.e. Scientific Assistant (Chem.) with Assistant Scientific Officer (Chem.) as both are holding the same equivalent qualification as well as similar working condition;



(iii). To issue a writ, order or direction in the nature of mandamus directing the respondents to re-fix the applicants' pay scale from 1400-2300 to 1640-2900 as recommended by the 5th Central Pay Commission which is now 5500-9000, but must be 6500-10500/- as given to Assistant Scientific Officer (Chem.) who are performing identical or similar duties and carrying out the same function with the same major or responsibility having same academic qualification;

(iv). to issue any other writ, order or direction which this Court may deem fit and proper in the circumstances of the case."

2. The case of the applicants is that essential minimum educational qualification, for direct recruitment to the post of Scientific Assistant (Chemistry) is M.Sc, so the applicants, should have been placed in the category mentioned in para 56.26 of Annexure- 1 to the O.A and not in the group of posts mentioned in para 56.25 thereof. The counsel for the applicants submits that according to the recommendation regarding rationalizing the various posts from financial and other points of view, posts were to be put in one group or the other, considering the minimum educational qualifications. Counsel for the applicants further submits that according to these recommendations, the salary to be made admissible to the post placed in one and other group was to differ substantially. Counsel for the applicants has contended that the applicants holding the post of Scientific Assistant (Chemistry) were earlier recommended by the Ministry to be placed in another group



but in the meantime, recommendation of the 5th Pay Commission came. It has also been said that the applicant are likely to be adversely affected by the above mentioned anomalous situation given in the recommendation so this Tribunal should intervene and pass suitable orders.

3. The issues raised in this O.As are such, which require examination by the Govt. first. Such complicated issues, as ^{relating} related to policy matters, should be left to be decided by the Govt.

4. Learned counsel for the applicant submits that so far as the authorities are concerned, they have not passed any express order rejecting the claim of the applicants, so proper course seems to dispose of this O.A finally with direction to the applicants to present their case in the form the representation before the respondent No. 1, who may be directed to examine the grievance of the applicants and take appropriate decision within a period to be specified by this Tribunal.

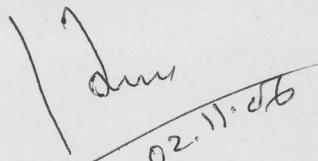
5. Accordingly the O.A is disposed of finally with direction that in case, the applicants prefer a detail representation together with relevant papers within a period of one month from today to the respondent No. 1, it shall examine their grievance and pass suitable orders in accordance with rules and policy etc within a period of one year from the date such representation is given together with copy of this order.

No costs.



MEMBER- A.

VICE-CHAIRMAN.



02.11.06

/ANAND/