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RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD this the 5th day of **JULY, 2007.**

**HON'BLE MR. JUSTICE KHEM KARAN, V.C.
HON'BLE MR. P.K. CHATTARJI, MEMBER-A**

ORIGINAL APPLICATION NO. 757 OF 2006

Arnnesh Kumar, S/o late Sri Prabhat Kumar Sinha, R/o
Type IV/2, Laurie Road, F.R.I. Campus, P.O. New
Forest, Dehradun.

.....Applicant.

V E R S U S

1. Union of India through Secretary Ministry of
Environment & Forest Paryavaran Bhawan, CGO
Complex, Lodi Road, New Delhi.
2. Director General, Indian Council of Forestry
Research & Education, Forest Research Institute
Campus, P.O. New Forest Dehradun.
3. Secretary, Indian Council of Forestry & Education,
P.O. New Forest, Dehradun.

.....Respondents

Present for the Applicant: Sri A.K. Srivastava

Present for the Respondents: Sri S. Singh


O R D E R

BY JUSTICE KHEM KARAN, V.C.

It is prayed that the respondent nos. 2 & 3 be
directed to prepare a proposal for revision and up-
gradation of pay-scales of Library staff of Indian
Council of Forestry Research & Education (in short
ICRFE) and place the same before the Board of
Governors for its consideration in the meeting to be
held in the month of October, 2006.


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2. The applicant was appointed as Assistant Library Grade-II on 10.2.1984 in National Forest Library and Information Centre, Dehradun. It is said that at that time this centre was governed by the department of the Central Government. On the basis of the recommendations made by the 4th Central Pay Commission and by a committee headed by Prof. D.P. Chattopadhyaya, the Government of India issued Office Memorandum dated 24.7.1990 (at page 18) introducing the revised pay structures for Library staff under the purview of the Central Government. Detailed instructions were given in this Office Memorandum as to how these revised pay scales were to be made admissible to the existing staff. It so happened that the National Forest Library and Information Centre, Dehradun and other such centers as set-out in the order dated 30.5.1991 (Annexure CA-I) were handed over to newly created society named Indian Council of Forestry Research and Education and the same was declared as autonomous body w.e.f. 1.6.1991. The applicant became employee of this body named Indian Council of Forestry Research and Education. According to the pleadings on record, the pay scales, service conditions and all other service matters relating to staff of this newly created autonomous body are regulated by the Rules & Regulations framed by this body and highest body of this society is Board of Governors. It is alleged in the O.A that the Board of Governors resolved on 23.4.1996 (see CA-2 & CA-3) that a fresh



comprehensive proposal be placed for its consideration in action with the revision of the pay scales of the Library staff of ICRFE and institutes under it to bring parity with other Government organization. His grievance is that in spite of this clear cut resolution of the Board of Governors, the Director General is not submitting a comprehensive proposal and representations/legal notices (Annexure nos. 5,6,7,8,9,10 & 11) given from time to time, have also yielded no result. It is said that he also preferred an statutory appeal under Rule 5-A and also gave a legal notice through his counsel, copies of which have been annexed to the O.A.

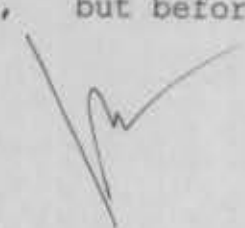
3. Reply filed by the respondents is to the effect that the revision of the pay scales of the Library staff of ICRFE is to be done by the ICRFE itself and recommendations dated 24.7.1990 or any other recommendations of the Central Government for revision of pay scales of its own staff, will not automatically apply to the staff of ICRFE. They say that after ICRFE was controverted into an autonomous body w.e.f. 1.6.1991 vide Government of India notification dated 30.5.1991, it has framed its own Rules and Regulations as regards the pay scales and other service conditions of its employees and the applicant cannot claim the benefit of O.M. dated 24.7.1990, unless the same is adopted or approved by the Board of Governors. It is stated in para 10 that the matter relating to revision and up-gradation of



pay scales of Library staff of Institute under ICRFE with specific reference to Forest Research Institute, Dehradun was placed in 11th meeting of the Board of Governors held on 23.4.1996, but it did not approve the proposal and directed for placing a comprehensive proposal regarding staff recruitment, modernizing and revamping of the Library. It is stated in the same para that the Board of Governors revised the pay-scales w.e.f. 1.1.1996 as per the recommendations of 5th Central Pay Commission.

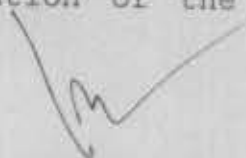
4. We have heard Sri A.K. Srivastava appearing for the applicant and Sri S. Singh, for the respondents. With their consent, this matter is being finally disposed of at admission stage itself.

5. Although, the applicant has not prayed for giving the benefit of O.M. dated 24.7.90 (Annexure-1), but we may observe that when the applicant was servant of the Central Government, before 1.6.1991, he was to be given the benefit of that O.M. dated 24.7.90. We can understand that after the applicant became employee of ICRFE w.e.f. 1.6.1991, revisions of pay scales etc. have to be done by this autonomous body, but before



that O.M. dated 24.7.90 had already come, by which pay scales of Library staff was revised. We think the respondent no.3 should look into this aspect of the matter.

6. We think the prayer of the applicant that the respondent nos. 2 & 3 be directed to prepare a proposal for revision and up-gradation of pay-scales of Library staff of ICRFE, Dehradun is not such, which can be accepted. The reason is that the resolution of Board of Governors dated 23.4.1996 (Annexure-3) is for sending comprehensive proposal regarding staff requirement for modernizing and revamping the Library. This resolution is not for sending the proposal for revision of pay-scales of the Library staff of National Forest Library and Information Centre, Dehradun. The respondents have clearly stated in their reply that the proposal for revision of pay was not accepted by the Board of Governors and this has been repeated in letter dated 13.9.2006. So, we think we will not be justified in directing the respondent nos. 2 & 3 to send a comprehensive proposal for revision of pay scales of Library staff. The matter relating to revision of pay scales of staff of ICRFE being policy matter has to be looked into by the Board of Governors and we will not be justified in examining the policy matter. If the applicant thinks the respondent no.2, is not obeying the direction or wishes of the Board of Governors, he may draw attention of the



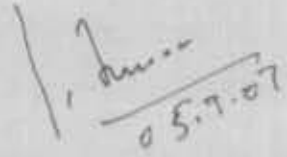
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Board of Governors, but we find no case for mandating the respondent nos. 2 & 3 to send proposal for revision of pay scales. More-over the Tribunal is not expected to ensure discipline, by directing the subordinate to obey the orders of their superiors. The O.A. under Section 19 should be against some orders, but the O.A., in hand, is not against any order.

7. So, this O.A. is dismissed with the observations made above. No costs.



MEMBER-A
GIRISH/-


05.7.07

VICE CHAIRMAN