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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NOS. 291 & 292 OF 1995  
Cuttack, this the 29th day of September, 1995

Smt. Sanjukta Das & another (in OA 291/95)  
Dr. Kshetra Mohan Das (in OA 292/95) ... Applicants

-versus-

The Indian Council of Agricultural  
Research (ICAR) and others (in Both Cases) ... Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not? N.

2. Whether it be circulated to all the Benches  
of the Central Administrative Tribunal or not? N.

  
(H. RAJENDRA PRASAD)

MEMBER (ADMINISTRATIVE)

29 SEP 95

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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NOS. 291 & 292 OF 1995  
Cuttack, this the 29<sup>th</sup> day of September, 1995

CORAM:

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

...

In OA 291/95

1. Smt. Sanjukta Das,  
now working as T-II-3,  
Plant Physiology Department,  
Central Rice Research Institute (CRRI),  
At/P.O-Bidyadharpur, Cuttack-753006.

2. Amar Bilas Das,  
now working as T-5,  
Department of Biochemistry,  
Central Rice Research Institute (CRRI),  
At/P.O-Bidyadharpur, Cuttack-753006.

In OA 292/95

Dr. Kshetra Mohan Das,  
now working as Training Associate-cum-  
Technical Officer in KVK,  
Central Rice Research Institute (CRRI),  
Bidyadharpur, P.S-Chauliaganj,  
Cuttack-753006.

In Both the cases

By the Advocates - M/s Ganeswar Rath &  
S. Misra.

-versus-

In both the cases

1. The Indian Council of Agricultural  
Research (ICAR),  
represented through its Secretary,  
Krishi Bhawan, New Delhi-110 001.

2. Union of India,  
represented through the Secretary,  
Ministry of Finance, North Block,  
New Delhi-110 001.

3. Central Rice Research Institute (CRRI),  
represented through its Director,  
Bidyadharpur, Cuttack-753006 ... Respondents

By the Advocate -

Mr. Ashok Misra,  
Senior Central  
Government Standing  
Council.

.....

O R D E R

H. RAJENDRA PRASAD, MEMBER (ADMN.) O. As. 668 and 669 of 1994 which came up for adjudication earlier, were disposed of by this Tribunal on 21st September, 1994, with a direction that the respondents shall re-examine the claims of the applicants and agree to upgrade the posts held by them provided that (a) there is enough justification in terms of work-content or (b) the applicants had secured 55% marks in the aggregate at the graduation level. The facts and issues leading to this direction were discussed elaborately and in great detail in the relevant judgments. To facilitate the reexamination of their claims, the applicants were directed to submit a fresh representation to the Director, CRRI, and Secretary, ICAR, was asked to dispose of the representation with a speaking order within a certain time-frame.

2. The applicants accordingly submitted fresh representations on 5/6th October, 1994. These representations were forwarded to ICAR by the Director of CRRI on 26th November, 1994, along with an official report relating to the qualifications of the applicants and the nature of work performed by them. The Director was of the distinctly-expressed view that the content of the job performed by the applicants and their qualification were higher, and that sufficient justification existed to upgrade the pay-scales of these applicants from Rs.380-560 to Rs.425-700 with effect from 1.1.1973.

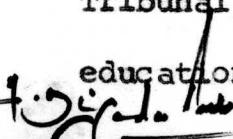
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3. The representations were examined and turned down by ICAR, vide their communication No.7(1)/94-Law dated 14th February, 1995 for the following reasons:-

- (i) The Third Pay Commission did not recommend a higher pay scale for the incumbents of the posts who possessed higher qualifications; and
- (ii) ICAR had introduced an organised service with effect from 1.10.1975 <sup>a</sup> which ensures ~~five~~ yearly assessment/promotion irrespective of the occurrence of vacancies, and that enough career advancement exists now for the technical personnel in the Council.

The present O.As. challenge the above decision.

4. It may be mentioned here that the applicants are Science-Graduates and are engaged in performing 'scientific work'. This has not really been disputed meaningfully by the respondents anywhere. It is seen from CRRI letter no.F.52/58/O.A.668-669/93-LCL no.1965 dated 31.3.1995, forwarding the applicants' representations to I.C.A.R., that, according to the present Director of the Institute as well as his predecessors, there was enough justification for upgrading the pay-scales of the applicants on both counts mentioned by this Tribunal in its order dated 21st September, 1994, - viz., educational qualification and job-content.



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5. The twin-grounds adduced by the ICAR in rejecting the claim of the applicants had been adequately dealt with in this Tribunal's orders dated 21st September, 1994. It is not considered necessary to traverse the details once again in the context of the present O.As., since all these issues have already received enough attention and comment. The impugned decision rejecting the claim quite completely skirts the issue of determining the applicability of the two criteria mentioned in para 12 of the judgment dated 21st September; these do not seem to have been taken into any visible consideration at all while turning down the claims of the applicants. On the other hand, the grounds and issues which have already been examined and commented upon in the earlier judgment are seen to have been picked up and made the sole bases of rejection. This cannot obviously be accepted.

6. In their counter-affidavit the respondents also argue that the applicants perform 'technical' and not 'scientific' duties. The subtle distinction which is sought to be made out between the two is weak and untenable. The counter-affidavit also repeats the argument regarding the constitution of Organised Service in ICAR in 1975. This too has been commented upon in the

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earlier judgment and held to be of no relevance to the facts and claims of the present case. For the rest, the counter-affidavit merely repeats all the earlier arguments and does not squarely meet the issues raised in these applications.

7. In the light of the discussion in the preceding paras, it is held that the impugned decision of ICAR contained in their letter No.7(1)/94-1a dated 14th February, 1995, cannot be upheld. The same is, therefore, quashed on the ground that the decision contained in it is based on reasons which have already been covered in the earlier judgment and also because the decision fails to meet the precise directions issued to the respondents contained in the said judgment.

On the other hand, it is also held that the applicants quite fully and adequately fulfil the twin-criteria of educational qualification and performance of 'scientific' tasks (as seen from the details furnished by them and not denied by the respondents).

8. The applications are allowed. It is directed that the applicants, Dr.K.M.Das, Ms Sanjukta Das and Shri Amar Bilas Das, be placed in the scale of Rs.425-700 from 1.1.1973. This shall be done within two months

from 1.1.1973.

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of the receipt of a copy of these orders by Respondent No.3, i.e., Director, CRRI. All consequential service/monetary benefits, if any, shall be calculated, sanctioned and disbursed to/conferred on the applicants within two months thereafter.

Thus the O.A. is disposed of.

  
(H. RAJENDRA PRASAD)

MEMBER (ADMINISTRATIVE)

29 SEP 95

Nayak, P.S.