

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

06. 06.03.02.

Call on 15.04.02 for hearing and final disposal at the stage of admission. Rejoinder, if any, be filed in the meantime after serving copy on the other side.

[Signature]
Member (J).

Counter not filed.

Bench

MR
7/1/02

Rejoinder not filed.

Bench

MR
24/1/02

Rejoinder not filed.

Bench

MR
5/3/02

- 1) For admission and hearing.
- 2) Rejoinder not filed.

Bench

MR
12/4/02

- 1) For admission and hearing.
- 2) Rejoinder not filed.

Bench

MR
23/9/02

For admission and hearing.

(Rejoinder not filed.)

Bench

07. 15. 04.02

Division bench matter.
put up before next available division bench.

[Signature]
Member (J).

Order dated 1.3.2004

None appeared for the applicant when called nor did the applicant appear in person to represent his case. No request has also been made on behalf of the seeking adjournment. This being a year-old case of 2001, it is not possible to adjourn the matter any further. We have, therefore, with the aid and assistance of Shri A.K.Bose, learned Senior Standing Counsel perused the materials placed on record and also heard him.

In this O.A. the applicant has prayed for direction to Respondents to revise his scale of pay to Rs.4500-7000/- instead of Rs.4000-6000/- for the Laboratory Technicians and ~~not~~ to allow him the financial benefits of

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Rs.100/- *on promotion.*

Respondents by filing their counter have contested the O.A. They have stated that the pay scales of the technical staff including the Insect Collectors under the Respondents-Organisation have been fixed on the recommendations of the 5th Central Pay Commission after going through the job descriptions of each and every post. They have further stated that the applicant along with two others had carried the matter of pay revision before the Hon'ble High Court and the Hon'ble High Court vide its order dated 5.5.1994 disposed of the said Writ Petition with observation that if representation was made to the competent authorities, then the same should be disposed of within three months from the date of representation. It is in pursuance of the said direction of the Hon'ble High Court and on receipt of representation from the applicant, the matter was considered by the Respondents-Department in consultation with the Anamally Committee and had found no merit in the representation. They have, however, submitted that the applicant, who had completed 12 years of service as on August, 1999 has been granted the A.C.P. benefits by upgrading him to the higher scale, i.e., Rs.4000-6000/- as envisaged in the scheme, without changing his designation and his pay was refixed under FR 22. It is their further submission that the applicant was granted the minimum increment of Rs.100/- as per rules and the above benefit was granted with effect from the date of coming into force.

of the A.C.P. scheme. With respect to the demand for grant of Rs. 4500-7000/- at par with the Laboratory Technicians it has been submitted that the matter was considered by the Anomally Committee which did not favour any change in this regard.

No rejoinder has been filed by the applicant controverting the above statements of the Respondents. In view of the discussions held above, it is clear that the applicant has been granted pay scale strictly on the basis of the recommendations of 5th Central Pay Commission, which is the expert body and empowered to determine the pay structure of each and every employee under the Govt. of India.

For the reasons discussed we see no merit in this application needing judicial intervention and therefore, the same is dismissed. No costs.


VICE-CHAIRMAN

MEMBER (JUDICIAL)

Copy of order
dt. 1.3.04 issued
to the Counsel
for both side.


S.O.


S/O