

10

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK**

**ORIGINAL APPLICATION NO.594 OF 2001**

Cuttack, this the 12th day of Sept., 2003

Sudarsan Sethi ..... Applicant(s)  
Vrs.

Union of India & Others ..... Respondents.

**FOR INSTRUCTIONS**

1. Whether it be referred to the Reporters or not ? *75*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *75*

*Moah*  
12/09/03  
( M. R. MOHANTY)  
MEMBER ( JUDICIAL )

*Wilson*  
(B.N.SOM)  
VICE-CHAIRMAN

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK**

**ORIGINAL APPLICATION NO.594 OF 2001**

Cuttack, this the 18th day of Sept., 2003

CORAM:

HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN  
&  
HON'BLE SHRI M.R. MOINTY, MEMBER (J)

Dr. Sudarsan Sethi MVSC (Poultry Science), aged about 36 years S/o. Sri Basudev Sethi, Via/Po- Kumbharapara, Dist:Naygarh, Presently posted as Poultry Breeding farm Supervisor ( being a veterinary Doctor/Officer) At-Central Poultry Breeding Farm, Nayapalli Bhubaneswar, Govt. of India, At-Bhubaneswar, Dist-Khurda.

.....Applicant(s)  
By the Advocate(s) ..... Mr. A.K. Mishra

Vrs.

1. Union of India represented through its Secretary Animal Husbandry & Veterinary Science Ministry of Agriculture Govt. of India, New Delhi-1
2. Director, (Animal Husbandry & Veterinary), Ministry of Agriculture, Department of Animal Husbandry, Krishi Bhawan, Rajendra Prasad Road, New Delhi.1
3. Director, Central Poultry Breeding Farm Govt. of India at Nayapalli, Bhubaneswar, Dist-Khurda.

..... Respondent(s )

By the Advocate(s) - ..... Mr.S.B. Jena.

**O R D E R**

**SHRI B.N. SOM, VICE-CHAIRMAN:**

This O.A. has been filed by Shri Sudarsan Sethi, Farm Supervisor at Central Poultry Breeding Farm, Nayapalli, Bhubaneswar, assailing the inaction on the part of the Respondents

in upgrading his pay scale from Group 'C' to Group 'A' with effect from 01.01.1996.

2. The facts of the case in short are that the applicant was appointed in the Scale of Rs.1600/- - 2600/- with Non Practicing Allowance (in short N.P.A.) of Rs.600/-. He joined the post on 04.09.1991. The applicant submits that he is a registered Veterinary Doctor under the Veterinary Council. His allegation is that although 5<sup>th</sup> Central Pay Commission recommended up-gradation of pay scale of the Veterinary Officers/Veterinary Doctors to the scale of pay of Rs.8,000/- - Rs.13,500/-, but the said recommendation has not been implemented by the Respondents in respect of the applicant. The applicant had submitted several representations in this regard to the Respondents but without any effect. He has therefore approached this Tribunal to direct the Respondents to grant him the benefit of the scale of pay of Rs.8000/- - Rs.13,500/-.

3. The Respondents have contested the application. They have submitted that the scale of pay of the petitioner has been revised on 27.10.01 without allowing the benefit of NPA. They have submitted that the applicant holds a group 'C' post of Farm Supervisor, the pay scale of which, on the recommendation of the 5<sup>th</sup> Central Pay Commission, has been revised to Rs.5000/- - Rs.8000/-. They have submitted that the Pay Commission had only recommended up-gradation of the posts of Veterinary Officers in Group; 'B' cadre in

the pay scale of (pre-revised) Rs.2000-3500 to Group 'A' in the pay scale of Rs.8000/- - Rs.13,500/-. They have also pointed out that there was no proposal to classify any Group 'C' category posts like Farm Supervisor to Group 'A'. In the circumstances, the applicant is not entitled to the benefit of Group 'A' pay scale. Hence, the demand of the applicant is without merit. They have conceded that although he was a Farm Supervisor he was paid NPA in the pay scale of Rs.1600/- to 2600/- but that was done erroneously and merely because he was paid NPA he could not have claimed equation with Veterinary Officer which was earlier a Group 'B' and not a Group 'A' post.

4. We have heard at length Mr. A.K. Mishra, Ld. Counsel for the applicant and Mr.S.B. Jena , Ld. Standing Counsel for the Respondents in this regard. We have also perused the records placed before us.

5. The only issue to be answered in this application is whether the Farm Supervisor comes under the classification of Veterinary Officer and whether the post holder is entitled to get NPA as a result of such classification. This very issue we have already answered while disposing up O.A.No.473/01 by our order of 3<sup>rd</sup> March 2003. The ratio of that decision will apply in this case also.

6. While disposing of that O.A we have held that the Farm Supervisor post does not fall in the category of Veterinary Officer, that on the recommendation of the 5<sup>th</sup> Central Pay Commission, the

posts of Veterinary Officers in Group 'B' have been upgraded to Group 'A' whereas the Farm Supervisor post has been classified in Group 'C' category. Regarding payment of NPA, relying on the decision of the Mumbai Bench in O.A. No.81/95 we have held that NPA is not payable to Farm Supervisors in the Respondent's organisation. Accordingly, we hold that the Farm Supervisor post does not come within the classification of Veterinary Officer and that it is a Group 'C' post. Hence the post holders are not entitled to the pay scale of Rs.8000-13,500/- Accordingly, this O.A. is disposed of being devoid of merit. No costs.

*Sealed*  
12/09/03  
( M.R. MOHANTY )  
MEMBER(JUDICIAL)

*Subs.*  
( B.N. SOM )  
VICE-CHAIRMAN

CAT/CTC  
Kalpeswar