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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,  
J\_O\_D\_H\_P\_U\_R.

Date of Order : 12.09.2000

O.A. No. 157/1996

1. Dr. JC Tarafdar, S/O Late Shri SB Tarafdar, aged 43 years,
2. Dr. SK Jindal, S/O Shri Om Prakash, aged 43 years,
3. MC Bhandari, S/O Shri Sharbat Chand Bhandari, aged 46 Yrs,
4. Dr. NM Nahar, S/O Late Shri Om Nahar, aged 44 years,
5. Dr. MP Singh, S/O Shri Bhawa Singh, aged 43 years,
6. MA Khan, S/O Shri MM Khan, aged 46 years,
7. Dr. Satish Lodha S/O Shri Umald Mal Lodha, aged 44 years,
8. Dinesh Misra S/O Shri SS Misra, aged 38 years,
9. ZD Kaviya, S/O Shri GD Kaviya, aged 52 years,
10. Dr. SK Verma, S/O Late Shri Janna Lal, aged 51 years

All presently working as Senior/AG Scientist at  
CAZRI, Jodhpur.

ADDRESS FOR CORRESPONDENCE :

C/O Director, Central Arid Zone Research Institute  
(CAZRI) Jodhpur. (Raj)

... Applicants

vs

1. Union of India through Secretary/Director General,  
Department of Agricultural Research & Education, ICAR,  
Krishi Bhawan, New Delhi.
2. The Secretary, ICAR., Krishi Bhawan, New Delhi.
3. The Director, Central Arid Zone Research Institute,  
(CAZRI), Jodhpur.

... Respondents

Mr. S.K. Malik, Counsel for the Applicants.

Mr. V.S. Gurjar, Counsel for the Respondents.

*Counsel for*

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CORAM :

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

O\_R\_D\_E\_R

( PER HON'BLE MR. GOPAL SINGH )

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicants have prayed for a direction to the respondents to fix their pay in the pay scale of Rs.4500-7300 w.e.f. 06.11.1989 with all consequential benefits.

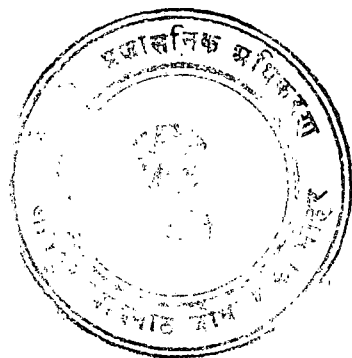
2. Applicants' case is that they are working on the post of Senior/Selection Grade Scientist w.e.f. 01.1.1986. That one Dr. S. Ayyappan was appointed as Senior Scientist in the scale of Rs.3700-5700 vide respondents' order dated 19.12.89. Subsequently, the respondents re-fixed the pay of Dr. S. Ayyappan at Rs.4500/- in the scale of Rs.4500-7300. Since Dr. S. Ayyappan was appointed to the scale of Rs.3700-5700 later than the applicants, the applicants have prayed for fixation of their pay in the scale of Rs.4500-7300 at par with Dr. S. Ayyappan. Their request has not been acceded to despite representations. Hence, this application.

3. In the counter, the respondents have stated that Dr. S. Ayyappan was given the scale of Rs.4500-7300 in terms of the decision taken by the Council vide their order dated 15th March, 1995. Dr. S. Ayyappan was recruited directly whereas the applicants are not direct recruits. It is, therefore, averred by the respondents that the applicants cannot seek parity with Dr. S. Ayyappan.

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

*Gopal S.*

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5. We consider it appropriate to reproduce below ICAR letter dated 15.3.1995 :

" INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
KRISHI BHAWAN, NEW DELHI.

No.F.1(8)/94-per-IV Dt. the 15th March, 95

To

The Directors/project Directors/OSDs of  
all the Institutes/project Directorates/  
NACs of ICAR.

Subject : Revised pay scales/designation of the  
Scientists directly recruited against  
S-2 and S-3 posts after 1.1.86 under  
ICAR-regarding.

Sir,

The question regarding revision of pay scales of Scientists recruited directly during the period 1.1.86 to 17.9.90 against erstwhile S-2 and S-3 positions in the pre-revised scales of Rs.1100-1600 and Rs.1500-2000 respectively has been under consideration of the council in view of the position emerging from the judgments of various courts including the Supreme Court.

2. In modification of Council's letter of even number dated 17.9.90 it has now been decided with the approval of the Competent Authority that Scientists recruited directly in S-2 and S-3 grades on or after 1.1.86 but before 17.9.90 in the pre-revised scales of Rs.1100-1600 and Rs.1500-2000 are to be placed in the revised scales of Rs.3700-5700 and Rs.4500-7300 respectively.

3. Necessary action may be taken immediately as per the above decision.

4. Receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd/-

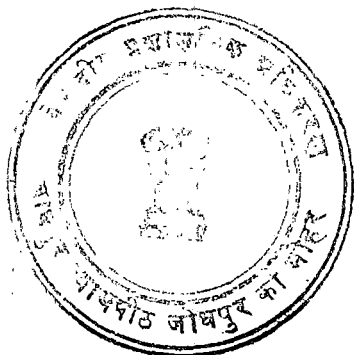
( S.S. RANA )

DIRECTOR ( PERSONNEL )"

6. It would be seen that higher pay scale of Rs.4500-7300 was given to the Scientists who were directly recruited in the scale of Rs.1500-2000 ( Rs.3700-5700 ) during the period 1.1.'86 to 17.9.'90. Dr. S. Ayyappan was appointed as Senior Scientist in the scale of Rs.3700-5700 w.e.f. 6.11.89 vide respondents' order dated 19.12.89 (Annexure A/6). In terms of order dated 15.3.95, the pay of Dr. S. Ayyappan was refixed in the scale of Rs.4500-7300. It is very clear that Dr. Ayyappan was directly recruited on 6.11.'89 and in terms of order dated

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15.3.95 he was given the scale of Rs.4500-7300. The benefit of order dated 15.3.'95 could not have been extended to the applicants as they were not directly recruited during the period 1.1.86 to 17.9.90. Therefore, we are of the view that the applicants cannot seek parity with Dr. S. Ayyappan. Moreover, applicants have not challenged the order dated 15.3.95, which provides higher scale to Scientists recruited between 1.1.'86 and 17.9.'90. Thus, the application is devoid of any merit and deserves to be dismissed

7. The Original Application is accordingly dismissed with no order as to costs.



*Gopal Singh*  
( GOPAL SINGH )  
Adm. Member

\*J\*

*A.K. Misra*  
( A.K. MISRA )  
Judl. Member

Received  
Iskander  
AS Chatterjee  
New 18/9/2007

Received copy.  
Plus 22/9

Part II and III destroyed  
in my presence on 10/11/07  
under the supervision of  
section officer (I) as per  
order dated 10/11/06

Naresh  
Section officer (Records)