

In the Central Administrative Tribunal
Jodhpur Bench, Jodhpur

Date of order : 12.9.2000

Original Application No. 27/99

Dr. Babulal Gajja S/o Shri Suraj Kishan Ji Gajja, aged 48 years, R/o 4/13 CAZRI Colony, Jodhpur, presently posted as Sr. Scientist, CAZRI, Jodhpur.

..... Applicant.

vs.

1. Union of India through the Director General, I.C.A.R., Krishi Bhawan, New Delhi - 110 001.
2. The Director (P), Indian Council of Agricultural Research, Krishi Bhawan, New Delhi-110 001.
3. The Director, CAZRI, Jodhpur.

..... Respondents.

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CORAM :

HON'BLE MR. A. K. MISRA, JUDICIAL MEMBER

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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Mr. C. S. Bissa, Counsel for the applicant.

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

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O R D E R

(Per Hon'ble Mr. Gopal Singh, A.M.)

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In this Application, under Sec. 19 of the Administrative Tribunal, 1985, applicant, Dr. Babulal Gajja, has prayed for a direction to the respondents to declare the applicant as senior-most Senior Scientist in view of the fact that the UGC service conditions have been adopted and in case, the UGC service conditions have not been adopted to assess the service record of the applicant under the old relevant service rules and consider him for promotion to S-3 from S-2. In the alternative, it has been prayed that the respondents

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be directed to consider the representation of the applicant dated 31.8.98 placed at Annex.A/2.

2. Applicant's contention is that ICAR have adopted the pay package and service conditions of the University Grant Commission and accordingly, the seniority list of Scientists and Principal Scientists, be drawn, as is being done for Lecturers, Readers and Professors, in various universities.

3. In the counter, it has been stated by the respondents that there is no concept of seniority in Agricultural Research Services and, therefore, it is not possible to fix the seniority of the applicant. It has also been stated that the Indian Council for Agricultural Research has adopted the pay package and merit promotion scheme of the University Grant Commission for its Scientists. The merit promotion scheme is implemented with reference to number of years of service put-in by a Scientist and not with reference to any seniority. It appears to us that the grievance of the applicant is hypothetical and notional. He has not been deprived of any benefits which have accrued to other similarly situated persons. In any case, the respondents in their reply have stated that the representation of the applicant is under consideration and will be disposed of soon.

4. In the light of above observations, we are of the view that the application can be disposed of at this stage by giving a direction to the respondents to consider the representation dated 31.8.1998 (Annex.A/2), of the applicant. Accordingly, we pass the order as under :-

5. The Original Application is, partly allowed. To be

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Respondents are directed to consider the representation dated 31.8.1998 (Annex.A-2) of the applicant within a period of four months from the date of receipt of a copy of this order.

6. There is no order as to costs.

Gopal Singh

(Gopal Singh)
Adm.Member

AM/17/9/1998

(A.K.Misra)
Jud 1.Member

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jrm