

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.472 of 1994

Monday, this the 7th day of August, 1995

CORAM

HON'BLE MR P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

- 1 A Vasantha Shenoy, Scientist(Selection Grade),
Central Institute of Fisheries Technology, Kochi-29.
- 2 K K Kunjipalu, -do-
- 3 A G Radhakrishnan, -do-
- 4 P R G Varma, -do-
- 5 V Muraleedharan, -do-
- 6 N Subramania Pillai -do-
- 7 M R Boopendranath, -do-
- 8 P K Vijayan, -do-
- 9 Smt. Mary Thomas, -do-
- 10 P George Mathai, -do-
- 11 V N Nambiar, -do-
- 12 G R Unnithan, -do-
- 13 Percy Dawson, -do-
- 14 Smt. L V Lalitha, -do-
- 15 V Vijayan, -do-
- 16 K Ramakrishnan, -do-
- 17 K Vijayabharathi, -do-

...Applicants

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18 A C Joseph,
Scientist (Selection Grade),
Central Institute of Fisheries Technology,
Kochi-29.

...Applicants

By Advocate Mr K P Dandapani.

Vs

- 1 Indian Council of Agricultural Research
New Delhi. rep. by its Director General.
- 2 The Central Institute of Fisheries Technology
Kochi, represented by its Director.
- 3 The Assistant Administrative Officer,
Central Institute of Fisheries Technology,
Kochi.

...Respondents

By Advocate Mr P Jacob Varghese.

The application having been heard on 7th August 1995,
the Tribunal on the same day delivered the following:

O R D E R

P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants are Scientists (Selection Grade) in the Indian Council of Agricultural Research (ICAR for short). From 1.1.86, the ICAR introduced a UGC scheme and applicants opted for the UGC pay package. Subsequently, by A2 order dated 24.2.92 the ICAR introduced a classification stating that those who hold the Ph.D Degree could be designated as Senior Scientists and others as Scientists (Selection Grade). Applicants not being Ph.D holders have been designated as Scientists (Selection Grade). Applicants contend that because of this classification an unfair discrimination has been introduced and persons who were equals till 24.2.92 are being treated as unequals. They contend that subsequent to the classification the Senior Scientists have been treated as a higher category. Applicants contend that A2 orders have not been issued after following the prescribed procedure for amending the ARS Rules, according to which the rules have to be amended

by the Governing Body with the approval of the President. Applicants also contend that there is no such categorisation between Ph.D and non-Ph. D holders among other grades like Scientists, Scientists (Senior Scale) and Principal Scientists, and that this is unfair discrimination.

2 Respondents state that the requirement of Ph.D Degree for getting the designation of Senior Scientists is a part and parcel of the newly introduced UGC pay package. They also state that the post of Senior Scientist is equivalent to the Reader under the University system for which Ph.D degree is an essential qualification. According to respondents, applicants having opted for the UGC pay package, have to accept it in toto and not only the pay aspect of the package.

3 We find that the instructions A2 are stated to be pursuant to the decision of the Governing Council. According to respondents, the Council is the Apex Organisation at the national level for promoting Science and Technology Programmes in the area of Agricultural Research and Education. The Council, therefore, is competent to prescribe the qualifications required for all posts. It is also accepted that the applicants have opted for the UGC pay package and this requirement of Ph.D as an essential qualification is part of the UGC pay package. At this stage, therefore, applicants cannot contend that introduction of this minimum educational qualification is not according to the Rules.


4 The order A2 dated 24.2.92 which prescribed the Ph.D as a qualification for Senior Scientists has also not been impugned in the application. That apart, the question of prescribing the qualifications required for different posts is a matter of policy. If the applicants have a grievance

that among the different categories of Scientists they have been singled out for a discrimination based on the holding of a Ph.D qualification, they may bring it to the notice of the first respondent, Director General. We find that a representation (A7) dated 12.8.92 is still pending but that /does not address these issues. Applicants may, therefore, make a fresh representation to the first respondent within one month from today. If such a representation is made, first respondent shall consider the same and pass appropriate orders thereon within four months of the date of receipt of the representation.

5 The application is disposed of as aforesaid. No costs.

Dated the 7th August, 1995.


P SURYAPRAKASAM
JUDICIAL MEMBER


P V VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

List of Annexures

Annexure A2: True copy of letter No.8-1/92-Per.IV
dt. 24.2.1992 of the first respondent
to the Director of all Research Institutes
of the 1st respondent.

Annexure A7: True copy of representation submitted by the
2nd applicant to the first respondent
dt. 12.8.92.