

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.222 of 1998.

Tuesday, this the 5th day of September, 2000.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

M. K. Rajan,
Laboratory Assistant,
Integrated Fisheries Project,
Kochi-16.

Applicant

(By Advocate Shri T.C. Govindaswamy)

Vs.

1. Union of India through the
Secretary to the Government of India,
Ministry of Agriculture,
(Department of Animal Husbandry and Dairying)
Krishi Bhavan, New Delhi.
2. The Director,
Integrated Fisheries Project,
Kochi-16.
3. The Joint Secretary to the
Government of India,
Ministry of Agriculture,
(Department of Animal Husbandry and Dairying),
Krishi Bhavan, New Delhi. Respondents

(By Advocate Shri P.R. Ramachandra Menon, ACGSC)

The application having been heard on 5.9.2000, the Tribunal on the same day delivered the following:


O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who was working as Processing Assistant in the scale of Rs. 380-560 (revised as Rs. 1320-2040) w.e.f. 16.9.76 was promoted as laboratory Assistant in the scale of pay of Rs. 425-700 (revised to Rs. 1400-2300) w.e.f. 21.1.81. The pay scale of Processing Assistant has


later been enhanced to Rs. 1400-2300. The grievance of the applicant is that though the post of Laboratory Assistant is a promotion post for Processing Assistants, Laboratory Assistants also given identical pay scale of Rs.1400-2300. Claiming a higher pay scale, the applicant made representations. Finding that the representations have not been considered and disposed of despite favourable recommendations made by the 2nd respondent, the applicant has filed O.A. 1034/97 which was disposed of with a direction to the first respondent to consider and dispose of the representation. In obedience to the above directions, the impugned order A-11 was passed by the 3rd respondent turning down the representation and informing him that the applicant has been granted the pay scale of Rs. 5000-8000 according to the recommendations of the Vth Central Pay Commission. Aggrieved, the applicant has filed this application for setting aside the impugned order A-11, for a declaration that the grant of scale of pay of Rs. 1400-2300/4500-7000 to the post of Laboratory Assistant in the Integrated Fisheries Project is arbitrary, discriminatory and unconstitutional, for a declaration that the Laboratory Assistants in the Integrated Fisheries Project are entitled to have a scale of pay higher than that of Processing Assistants viz., scale of pay of Rs. 1640-2900/5500-9000, and for a direction to the respondents to grant the applicant the scale of pay of Rs.1640-2900 w.e.f. 1.1.86 with consequential benefits.

2. The respondents resist the claim of the applicants. It is admitted by the respondents that Processing Assistants




and Laboratory Assistants are in the same pay scale of Rs.1400-2300. Earlier the pay scale of Processing Assistants was only Rs. 380-560 (1320-2040), that erroneously the pay scale of Rs. 1400-2300 was granted to them, that when the pay scale was later reduced, Processing Assistants approached this Bench of the Tribunal in O.A. 1320/92 and that in terms of the orders of the Tribunal, the pay scale of Processing Assistants was not reduced, contend the respondents. This according to the respondents does not call for granting a higher pay scale to the Laboratory Assistants because instance where the lower post and higher post being in the identical pay scale is not a solitary instance in the Integrated Fisheries Project. The respondents further contend that the matter was further considered by the Vth Central Pay Commission who recommended merger of 4 posts of Processing Assistants and 2 posts of Laboratory Assistants and making them feeder category for the post of Processing Technologists which is a Group 'B' post and for grant of the scale of Rs.5000-8000 to Processing Assistants as also Laboratory Assistants, that in implementation of the same the applicants have been granted the pay scale of Rs. 5000-8000 and that therefore, the applicants do not have any real grievance to be redressed.

3. We have heard the learned counsel on either side and also perused the pleadings and materials placed on record. It is borne out from the pleadings that the pay scale of the



Processing Assistants was Rs.1320-2040, while that of the Laboratory Assistants was Rs.1400-2300, that the scale of pay of Processing Assistants was later enhanced to Rs. 1400-2300. It is also borne out from the pleadings that though the administration attempted to bring down the pay scale of Processing Assistants again to Rs.1320-2040, the attempt was set at naught by the order of the Tribunal in O.A. 1323/92 and that was the reason why the Processing Assistants as also Laboratory Assistants are placed in the identical pay scale. Learned counsel of the respondents brought to our notice a judgement of this Bench of the Tribunal in O.A. 1276/97 turning down the claim of Marketing Assistants for a higher pay scale on identical grounds as raised in this application. The Laboratory Assistants have been granted the pay scale of Rs.5000-8000 accepting the specific recommendation of the Vth Central Pay Commission.

4. It is the duty of the expert bodies like the Pay Commission to recommend the pay scales to various posts and services and it is the prerogative of the Government to fix the pay scale taking into account the recommendations and other relevant facts. The Tribunal is not expected to sit in judgement over the recommendations of the expert bodies and the decision of the Government accepting such recommendation as an appellate body and it does not have the expertise to do so also. Judicial intervention can be justified only if the decisions are totally perverse and arbitrary. We are not satisfied that there is any reason to interfere in this matter.

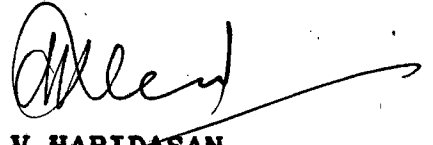


5. In the circumstances, finding no merit, the O.A. is dismissed leaving the parties to bear their own costs.

Dated the 5th September 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

rv

Annexure A-11: A true copy of the order No. 5/16/96-FY (Admn) dated 8.12.97 issued by the third respondent.