

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ERNAKULAM

DATED TUESDAY THE TWENTY FIFTH DAY OF JULY ONE THOUSAND
NINE HUNDRED EIGHTY NINE

PRESENT

HON'BLE SHRI S.P. MUKERJI-VICE CHAIRMAN

&

HON'BLE SHRI G. SREEDHARAN NAIR-VICE CHAIRMAN

ORIGINAL APPLICATION NO. 239/89

N.P. Kunhikrishnan.

V.V. Lakshmi Narayanan.

Applicants

Vs.

1. Union of India represented
by Secretary, Ministry
of Agriculture,
New Delhi.

2. Indian Council of Agricultural
Research represented by
its Secretary,
Krishi Bhavan, New Delhi.

3. The Director, CMFRI,
Cochin.

Respondents

Counsel for the applicants

.. M/s K. Ramakumar,
VR Ramachandran Nair.

None for the respondents.

ORDER

(Shri G. Sreedharan Nair, Vice Chairman)

Heard counsel for the applicants on the
question of admission.

2. Though Advocate Mr. K. Ramakumar on behalf
of the applicant assiduously urged that the application
deserves to be admitted as prima facie there is a violat-
ion of the equality clause enshrined in the Constitution
of India in the order that is impugned, we are not
persuaded.

3. The attack in this application is against the

order dated 9.3.1989 issued by the Indian Council of Agricultural Research (ICAR) revising the pay scales of the Scientists with effect from 1.1.1986. The first applicant is General Secretary of the CMFRI Employees Association and the second applicant is a Senior Clerk in the CMFRI, which is an institute within the umbrella of the ICAR.

4. It was submitted by counsel of the applicants that all members of the staff attached to the I.C.A.R have to support each other in their work which is primarily of a scientific nature and as such there is no justification in making a discrimination in the matter of fixing of pay scales to the scientific category alone. It is clear from the averments in the application that consequent upon the acceptance of the Report of the IVth Pay Commission revision of pay was actually effected among the various categories of staff attached to the I.C.A.R. except the category of Scientists. What has been done by the impugned order is only to make a revision of pay of the category of Scientists. So much so, we are not able to find much substance in the attack on the ground of discrimination, when the revision of pay regarding the other categories was already made and accepted by them. It may be that a

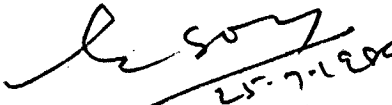
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little more consideration was necessary in the matter of the revision of the pay of the category of Scientists. After doing that when the order has been passed can the other categories ^{come} ~~can~~ forward with a grievance that a corresponding revision has to be made regarding their scales of pay as well? The answer has to be in the negative.

5. Even on the averment of discrimination, we are not satisfied that there is any discrimination so as to violate the mandates under Articles 14 and 16 of the Constitution. It is admitted that there are five categories of staff in the I.C.A.R of which one is the scientific category. Evidently the applicants belong to the Administrative category or the category of supporting staff. It is needless to underline that [✓] ~~the~~ ^{job requirements and the} quality of the work of these categories has absolutely no comparison [✓] ~~with~~ ^{with that of the scientists} so as to make them equal.

6. We reject the application.


(G. SREEDHARAN NAIR)
VICE CHAIRMAN


(S.P. MUKERJI)
VICE CHAIRMAN

25.07.89

Sn.