

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 APPLICATIONNO.239/89

N.P. Kunhikrishnan.

Applicants

V.V.Lakshmi Narayanan.

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 viola-  
tion 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

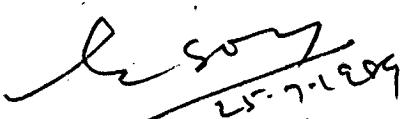
order dated 9.3.1989 issued by the Indian Council of Agricultural Research (ICAR) revising the pay scales of the Scientists with effect from 1.1.1986. The first applicant is General Secretary of the CMFRI Employees Association and the second applicant is a Senior Clerk in the CMFRI, which is an institute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

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 <sup>come</sup> ~~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 ~~job requirements and the~~ the quality of the work of these categories has absolutely no comparison so as to make them equal.

6. We reject the application.

  
25.7.89  
(G. SREEDHARAN NAIR)

VICE CHAIRMAN

  
25.7.89  
(S.P. MUKERJI)

VICE CHAIRMAN

25.07.89

Sn.