

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.382/2002

TUESDAY THIS THE 21ST DAY OF DECEMBER, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

1. Dr.C.Mohandas, aged 51 years
S/o P.Chellappan,
residing at 29/83 A1, Pastors Lane,
North Street, Marthandam.
2. Dr.R.Radhakrishnan Nair, aged 55 years
S/o late N.Raman Nair,
residing at Sreevisakh,
Cheruvikkal, Sreekaryam PO.
3. Dr.S.N.Murthy, aged 55 years
S/o S.Subramony,
Residing at 18-B, Gowri Nagar,
Pongumood, Thiruvannathapuram.
4. Dr.V.P.Potty, aged 54 years
S/o G.Vasudevan Potty,
residing at Souparnika,
UP 8/786, Kallampally Road,
Medical College PO
Thiruvananthapuram.11.
5. Dr.T.Premkumar, aged 55 year
S/o late Thanu Pillai,
residing at Ramanilayam,
Uppalam Road,
Thiruvananthapuram.11.
6. Dr.S.Sundaresam, aged 51 years
S/o R.Sukumaran,
Residing at BN 120
Uthradam, Durga Lane,
Pongumoodu,
Thiruvananthapuram.11.
7. Dr.(Mrs) Rajamma, aged 55 years
W/oG.Sudhakaran Nair,
residing at Dhanya
Powdikonam PO
Thiruvananthapuram.
8. Dr.C.S.Ravindran, aged 48 years
S/o J.Chandrasekhara Pillai
Residing at Narayana Vilas,
TC 9/2184-I, Sasthamangalam,
Thiruvananthapuram.

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9. Dr.(Mrs) Santha V.Pillai, aged 51 years
W/o K.K.Viswanathan Pillai,
Residing at UP IV/296,
Madavila Lane,Sreekariam PO
Thiruvananthapuram.17.
10. Dr.M.Unnikrishnan, aged 51 years
S/o K.M.Venugopala Menon,
Residing at 427, Prasanth Nagar,
Medical College PO
Thiruvananthapuram.
11. Dr.S.Ramanathan, aged 45 years
S/o P.S.Subramanian,
residing at TC 20/2969,
Single Street, Karamana,
Thiruvananthapuram.
12. Dr.(Mrs) C.S.Easwari Amma,
aged about 50 years
W/o late Padmanabhan Nair,
Aiswarya, SKRA, A.52
Temple Lane, Liyola Road,
Sreekariyam,Trivandrum.
13. Dr.S.K.Nanda, aged 46 years
S/o R.K.Nanda, residing at
PNRA 45, P.Nagar,
Pongumood,
Trivandrum.11.

(All working as Principal Scientists, Central Tuber
Crops Research Institute, Thiruvananthapuram). ..Applicants

(By Advocate Mr. T.C.Govindaswamy)

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1. Union of India, represented by the
Secretary to the Government of India,
Ministry of Agriculture,
New Delhi.
2. The Director General,
The Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi.
3. The Director,
Central Tuber Crops Research Institute,
Sreekariam,
Thiruvananthapuram.17.
4. Under Secretary (P)
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi.Respondents

(By Advocae Mr.P.Jacob Varghese (R. 2 to 4)

The application having been heard on 21.9.2004, the Tribunal on 21.12.2004 delivered the following:

O R D E R

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

The applicants who are Principal Scientists in the scale of pay of Rs. 16400-22400 in the Central Tuber Crops Research Institute (CTCRI for short) Trivandrum under the Indian Council of Agricultural Research (ICAR for short) are aggrieved that they have been given the benefit of promotion as Principal Scientists only with effect from 27.7.98 and therefore in this application filed under Section 19 of the Administrative Tribunals Act, 1985 they seek to set aside Annexure.A.7 order dated 6.12.2000 deciding to implement the Career Advancement Scheme with effect from 22.7.1998 as also Annexure.A.6(a) to (f) orders declaring that they are entitled to the benefit from 1.1.1996 and for direction to the respondents to make available to the applicants the arrears resulting therefrom. The case of the applicants in short is as follows.

2. The applicants while they were Scientists S2 were redesignated as Senior Scientists w.e.f. 1.1.1986 and were placed in the IVth Pay Commission pay scale of Rs. 3700-5700. Consequent on the implementation of UGC Scale of pay in the ICAR w.e.f. 1.1.1986 the five years assessment scheme was kept in abeyance with the assurance that promotional policy would be formulated. Since no such

policy was formulated the Scientists had been representing to ICAR as well as before the Vth Pay Commission. Although the ICAR issued Annexure.A.1 order dated 27.2.1999 regarding revision of pay scale of Scientists after evolving a selection method as nothing pursuant to that was done the applicants filed OA 242/2000 before this Bench of the Tribunal. Taking note of the statement made by the respondents that the promotion scheme was under implementation the Tribunal disposed of the Original Application with a direction to finalise the process and to give the applicants the resultant benefits. ICAR issued Order No.F.21(10)99 per.IV dated 19.7.2000 a revised Career Advancement Scheme for Scientists effective from 1.1.1996 (A3). However while the benefits were granted by orders Annexures.A6(a) to (f) and similar orders the benefit was made effective from 27.7.1998 only and not w.e.f. 1.1.1996. Coming to know that it was on the basis of Annexure. A.7 order that the benefit was decided to the applicants only w.e.f. 27.7.1998 as against the decision to grant the same w.e.f. 1.1.1996 as contained in Annexure.A3 the applicants have filed this application seeking to set aside Annexure.A6 series as also Annexure.A7 on the ground that the decision to give effect to the promotional scheme only w.e.f. 27.7.1998 as against 1.1.1996 is arbitrary, discriminatory and ultravires of Annexures.A.1 and A.3.

3. The respondents in the reply statement deny the

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allegation that w.e.f. 1.1.86 after adopting the UGC package there was no promotional scheme for the Scientists in the ICAR and contend that w.e.f. 1.1.86 the Scientists were governed by Career Advancement Scheme which provided for promotion of Scientists grade to Scientists (Sr.Scale) from Scientists (Senior scale) to Sr.Scientists/Selection Grade Scientists. The Career Advancement Scheme which was revised by the UGC/Ministry of HRD after the Vth Central Pay Commission effective from 27.7.1998 was adopted by the ICAR in toto and the same package was decided to be implemented in the case of Scientists on par with Teachers in the Universities. It is further contended that although similar to the pre revised Career Advancement Scheme the revised Career Advancement Scheme was initially approved by the Ministry of Finance/DOP&T w.e.f. 1.1.96 the Ministry of Finance later reviewed the position keeping in view the fact that the revised Career Advancement Scheme formulated by the Ministry of HRD/UGC for teachers in the Universities and Colleges was effective only w.e.f. 27.7.1998, for the purpose of bringing uniformity in the effective date of implementation that date was revised from 1.1.96 to 27.7.1998 by the impugned order dated 6.12.2000 which is perfectly justified. The respondents contend that as the UGC package has been adopted by the ICAR for its Scientists, the date of effect given on par with that given to Teachers is perfectly logical, just and equitable.

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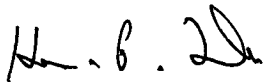
4. Learned counsel of the applicants argued that having decided to grant the revised Career Advancement Scheme benefits w.e.f.1.1.96 in Annexure.A.3 order it is ultra vires and arbitrary for the respondents to put off its effect to 27.7.1998 which has resulted in great financial loss to the applicants and that the impugned orders are therefore liable to be set aside. The counsel argued that to revise the date of effect from 1.1.96 as decided in Annexure.A.3 to 27.7.1998 unilaterally is absolutely arbitrary and that to the knowledge of the applicants UGC and other institutions have implemented the Career Advancement Scheme from 1.1.96 itself. Learned counsel of the respondents submitted that the Teachers in the Universities have been given the benefit of the revised Career Advancement Scheme only w.e.f. 27.7.1998 and not w.e.f. 1.1.96 and since the very same scheme is adopted by the ICAR for its Scientists changing the date of effect from 1.1.96 as initially approved in Annexure.A.3 to 27.7.1998 was the result of a policy decision with a view to bring uniformity and the ICAR is perfectly within its powers to take such decision which may not be interfered with, pleaded the counsel for the respondents. We find ourselves in complete agreement with the argument of the learned counsel of the respondents. Since the same revised Career Advancement Scheme applicable to University Teachers under the UGC has been adopted for its Scientists by the ICAR how implementing it with effect from the same date would become

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arbitrary and discriminatory? If this benefit is given to the Scientists w.e.f. 1.1.1996 and to the Teachers only w.e.f. 27.7.1998 that may be viewed as arbitrary. We find that the decision taken in Annexure.A7 was with a view to bring in uniformity is the result of a rational policy which cannot be faulted.

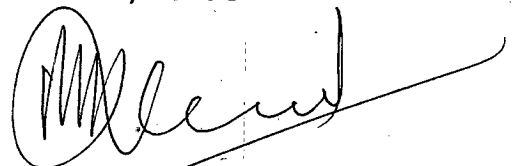
5. In the conspectus of facts and circumstances we find no merit in this application. Accordingly we dismiss the Original Application without any order as to costs.

Dated this the 21st day of December, 2004



H.P.DAS
ADMINISTRATIVE MEMBER

(s)



A.V. HARIDASAN
VICE CHAIRMAN