

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 31 MAY 1988

APPLICATION NO

710

/ 88(F)

W.P. NO.

Applicant

Shri B.M. Vidyadhar

To

Respondent

V/s The Secretary, M/o Agriculture, New Delhi
& 3 Ors

1. Shri B.M. Vidyadhar
Compounder/Pharmacist
Central Plantation Crops
Research Institute (CPCRI)
Regional Station
Vittal - 574 243
Buntwal Taluk
Dakshina Kannada District

5. The Director
Central Plantation Crops Research
Institute (CPCRI)
Indian Council of Agricultural Research
Kesargod - 670 124
Kerala

2. Shri M.S. Anandaramu
Advocate
128, Cubbonpat Main Road
Bangalore - 560 002

6. The Joint Director
Central Plantation Crops Research
Institute (CPCRI)
Regional Station
Vittal - 574 243
Buntwal Taluk
Dakshina Kannada District

3. The Secretary
Ministry of Agriculture
Krishi Bhavan
New Delhi - 110 001

7. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

4. The Director General
Indian Council of Agricultural
Research (ICAR)
Krishi Bhavan
New Delhi - 110 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY/INTERIM ORDER~~
passed by this Tribunal in the above said application on 26-5-88.

Encl : As above

Revised
DEPUTY REGISTRAR
(JUDICIAL)

dc

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 26TH DAY OF MAY, 1988

Present: Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 710/1988

Shri B.M. Vidyadhar,
S/o Shri B.M. Devarai,
aged about 35 years,
Compounder/Pharmacist,
Central Plantation Crops
Research Institute,
Regional Station,
Vittal - 574 243.

... Applicant.

(Shri M.S. Anandaramu, Advocate)

v.

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

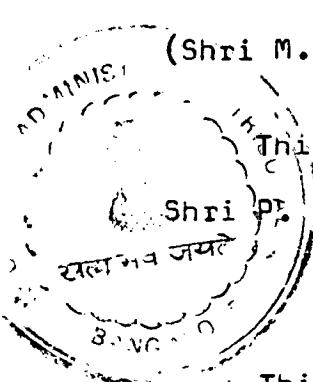
2. The Director General,
Indian Council of Agricultural
Research, Krishi Bhavan,
New Delhi.

3. The Director, Central Plan-
tation Crops Research Institute
Kasargod, Kerala.

4. The Joint Director, Central
Plantation Crops Research Institute,
Regional Station,
Vittal.

.... Respondents.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)

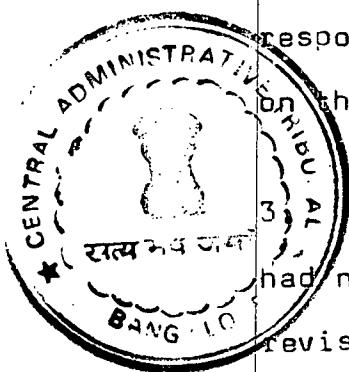

This application having come up for hearing to-day,
Shri P. Srinivasan, Hon'ble Member (A) made the following:

ORDER

This application has come up before me for admission
with notices to the respondents. Sri M.S. Ananda Ramu
for the applicant and Sri M.S. Padmarajaiah for the res-
pondents have been heard. The application is admitted and
heard on merits.

D. S. - 42

2. The main grievance of the applicant which was urged before me by Shri Ananda Ramu is that on the implementation of the recommendations of the 4th Pay Commission (pay Commission, for short), his pay was initially fixed in the revised scale of Rs.1350-2200 but was subsequently sought to be refixed in the lower scale of Rs.1200-2040 as per office order dated 25.4.1987 (Annexure-H) without giving him an opportunity of being heard. Prior to 1.1.86 the applicant was working as Compounder in the Central Plantation Crops Research Institute (CPCRI) in the scale of Rs.330-560 (Annexure-F). According to the recommendations of the pay Commission, the revised pay scale corresponding to the old pay scale of Rs.350-560 was Rs.1350-2200 and this revised scale was given to the applicant. Subsequently the respondents took the view that no provision had been made in the recommendations of the Pay Commission for revised pay scale for the post of compounder and therefore the revised pay scale applicable to the applicant was changed to Rs.1200-2040. Sri Ananda Ramu submitted that the pay scale applicable to the applicant could not have been reduced unilaterally by the respondents without giving him an opportunity of being heard on the subject.



3. Sri Padmarajaiah fairly conceded that the applicant had not been given any opportunity of being heard before the revised scale applicable to him was changed. He, however, submitted that this was done because when the applicant elected to come over to the revised scale w.e.f. 1.1.1986 he gave an undertaking that he would refund any excess payment that may be found to have been made to him as a result of fixation of pay under C.C.S. Revised Pay Rules 1986.

4. I have considered rival contentions carefully. The undertaking given by the applicant when he elected for the revised scale had nothing to do with the particular pay scale that was applicable to him. It is not denied that first the respondents themselves fixed the applicant on a higher scale and subsequently brought him down to the lower pay scale merely because the designation of the applicant was 'compounder', though he was drawing pay in the scale of Rs.330-560 before 1.1.1986. In these circumstances, I am satisfied that respondents should have given the applicant an opportunity of being heard before reducing the scale applicable to him. I, therefore, quash the order passed by the respondents at Annexure-H and direct them to give the applicant an opportunity of being heard before taking any further steps in the matter.

5. In the light of the view taken by me above, I have not gone into any of the other contentions raised in this application against the downward revision of the applicant's pay scale which are left open to be agitated by him before the

respondents who will consider the same and come to a decision.

The application is allowed. No order as to costs.

Sd/-

Member (A)

TRUE COPY


DEPUTY REGISTRAR (JDY) 31/1/87
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE