

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE - 560 033.

Dated: 29 MAR 1995

APPLICATION NO. 791 and 802 of 1994.

APPLICANTS: Sri.Munibylappa and S.C.Kempegowda,  
V/s.

RESPONDENTS: The Director, Central Institute of Coastal Engg.,  
for Fisheries, Bangalore and another.

To

1.

Dr.M.S.Nagaraja, Advocate, No.11,  
First Cross, Second Floor,  
Sujatha Complex, Gandhinagar,  
Bangalore-560 009.

2.

Sri.M.S.Padmarajaiah, Senior  
Central Govt. Standing Counsel,  
High Court Bldg, Bangalore-1.

Subject:- Forwarding copies of the Orders passed by the  
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/  
Stay Order/Interim Order, passed by this Tribunal in the above  
mentioned application(s) on 14-03-1995.

Issued on  
29/03/95

DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
BANGALORE BENCH.

ORIGINAL APPLICATION NOS. 791 & 802/94

TUESDAY, THE 14TH DAY OF MARCH, 94

SHRI V. RAMAKRISHNAN

...

MEMBER (A)

SHRI A.N. VUJJANRADHYA

...

MEMBER (J)

1. Shri Munibylappa,  
Aged 31 years,  
S/o Shri Pujappa,  
Mathakur,  
Shivakote Post,  
Bangalore North.

2. Shri S.C. Kempegowda,  
Aged 27 years,  
S/o Shri K.P. Suresh,  
276/4, Venkatappa,  
Buldg. Shivapura,  
Bangalore (peenya).

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Applicants

(By Advocate Dr. M.S. Nagaraja )

Vs.

1. The Director,  
Central Institute of Coastal Engg.  
for Fisheries,  
Government of India,  
Ministry of Agriculture,  
64, Palace Road,  
Bangalore - 560 052.

2. Union of India,  
represented by  
Secretary to Government,  
Ministry of Agriculture,

Department of Agriculture & Co-operation,  
Krishi Bhavan, New Delhi.

(By Sr. Central Govt. Secy)

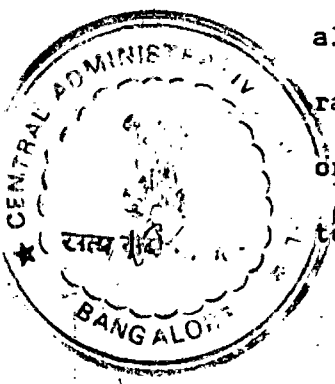
2. The applicants are Field Assistants in the CICEF which is part of Ministry of Agriculture and Fisheries. The applicants were recruited as Field Assistants in March 1988 soon after such posts were created for the first time in 1987 by the department. The process of creating posts was initiated before the Fourth Pay Commission had submitted its report. The department seems to have created posts in the pre-revised scale of Rs. 260 - 400 and after getting Fourth Pay Commission's report attached to the post the corresponding revised scale of Rs. 950 - 1500. There are Field Assistants in various field offices under the Ministry of Agriculture & Animal Husbandry, such as the Field Assistants in the All India Soil and Land Use Survey, Central Cattle Breeding Farm, Coconut Development Board etc. So far as the Field Assistants in the Cattle Breeding Farm are concerned, the Fourth Pay Commission had specifically gone into their duties and responsibilities and recommended the scale of Rs. 1200 - 2040 which was given to them. The Field Assistants in the All India Soil and Land Use Survey under the Ministry of Agriculture had approached this Tribunal in OA No. 956 to 959/90 where they claimed that they should be given the higher pay scale of Rs. 1200 - 2040 as against the revised pay scale of Rs. 975 - 1540 which was actually given to them. While disposing of this application, the Tribunal had directed that they should submit a detailed representation and also directed the department to constitute a committee of experts to visit a few units of all the four departments under the Ministry of Agriculture and assess the nature of field work executed by the Field Assistants in the All India Soil and Land Use Survey. The department accordingly

constituted an expert committee and as per its recommendations upgraded 10 of Field Assistants in the All India Soil and Land Use Survey and 2000 nationally with effect from

1.1.86 and actually with effect from 1.1.90 in conformity with the directions of this Tribunal as is seen in the department's order dated 1.3.93 as at Annexure A-3. The applicants in the present case seem to have become aware of the upgradation of the scale of Field Assistants in the All India Soil and Land Use Survey and submitted the representation dated 6.8.93 where they claimed that they also should be given the higher pay-scale of Rs. 1200 - 2040. This representation was forwarded by the local officer by his letter dated 2.9.93 where he had stated that the representation may be favourably considered and they may be given the higher pay scale. The Ministry, however, by their letter dated 17.2.94 as at Annexure A-4 informed the applicants that since the Fifth Pay Commission had been set up, this case should be referred to the Pay Commission who are the expert body for the purpose. As the applicants had not got the higher pay scale from 1.1.86 as prayed for even notionally, they have filed the present application.

3. We have heard Dr. M.S. Nagaraja for the applicants and Shri M.S. Padmarajaiah, the learned Senior Standing Counsel.

4. Dr. Nagaraja produces a chart purporting to give a comparative study of duties and responsibilities of fieldmen in various units in the Ministry of Agriculture. This is enclosed as Annexure A-1 to the application. He contends that the educational qualifications in respect of the Field Assistants in the Central Institute of Coastal Engineering for Fisheries are the same as the qualifications prescribed for the Field Assistants elsewhere in the Agriculture Ministry. He also contends that the duties and responsibilities are broadly comparable as there is no reason as to why the Field Assistants in this organisation should be denied higher pay-scale which had been extended to the sister units in the same Ministry of Agriculture and Animal



Husbandry. Dr. Nagaraja further submits that the department does not seem to have applied its mind to the duties and responsibilities of the Field Assistants but had mechanically taken the stand that the same will be forwarded to the Pay Commission. The learned counsel also argues that this Institute is a small organisation and in view of the smallness of the Institute their case seems to have gone by default. He also draws our attention to the case of Field Assistants in the Central Institute of Fisheries Education in the same department who according to him are having the same qualification, duties and responsibilities but are getting a higher pay scale. In view of this, he contends that it is a fit case for the Tribunal to give direction to the department to allow them higher pay scale of Rs. 1200 - 2040 as has been extended to the Field Assistants in the other units.

5. The standing counsel opposes the application and does not agree with the stand that the duties of Field Assistants of CICEF are comparable with the duties of Field Assistants of All India Soil and Land Use Survey. He relies on the chart of Field Assistants furnished by the applicants as at Annexure A-1 which according to him, will itself show that the duties of Field Assistants of the All India Soil and Land Use Survey are higher than those of CICEF. He also mentions that the Field Assistants in the Institute are eligible for the promotion to the post of Driller in the scale of Rs. 1200 - 1800 which is less than the scale asked for by the applicants. The learned standing counsel argues that if the prayer of the applicants were to be accepted, it will lead to an anomalous position where the pay scale of the promotion post will be less than that of the lower post. He also relies on the decision of the Supreme Court in the case of Chaurasia - 1989 (1) ACC 121 where the apex court had held that such matters are best left to an expert body like the Pay Commission instead of being adjudicated by the Tribunal.

6. We have carefully considered the contention of both sides. From the context, it is clear that the applicants had agitated for a higher pay scale only when they became aware that the Field Assistants in the All India Soil and Land Use Survey had been given the enhanced pay scale. It is also noticed that the posts were created for the first time some time in 1987 and after due consideration the department had thought it fit to give them only pre-revised scale of Rs. 260 - 400 for which the corresponding revised scale is Rs. 950 - 1500. The Field Assistants in the Land Use Survey Organisation had in fact been getting higher pay scale in the pre-revised scale and accordingly their pay initially was fixed in the revised scale of Rs. 975 - 1540. While it is clear that the educational qualifications are the same, the nature of duties will differ in the case of Field Assistants of other units as compared to the Field Assistants of CICEF. The standing counsel submits that the duties of the Field Assistants in the All India Soil and Land Use Survey are higher than that of applicants which is controverted by Dr. Nagaraja. We are not in a position to assess the relative duties of Field Assistants in these units. We only notice that the applicants had accepted the lower pay-scale in 1988 and seem to have put in a claim for enhanced scale in 1993 around which time the <sup>Pay</sup> Pay Commission had been constituted. We also do not deem it appropriate at this stage to direct the department to constitute an official expert group to make assessment of the relative duties of Field Assistants of these units, particularly when the Fifth Pay Commission had already started functioning. We, however, observe that the point raised by Dr. Nagaraja that in view of the smallness of the organisation, the case of applicants and other officials in the CICEF is likely to be lost sight of, has some force. We, therefore, direct that the concerned department to make a proper presentation to the Fifth Pay Commission with regard to the case of the Field Assistants and other officials in this organisation so that

appropriate revision of pay scale can be recommended by the Fifth Pay Commission for the staff of CICEF. While making the submission, the department will keep in view whatever recommendations had been received by the Expert Committee which had gone into the case of Field Assistants in similar units of the Ministry and also the nature of duties and responsibilities in the Central Institute of Fisheries Education and give a comparative picture vis-a-vis the CICEF.

7. For the reasons already stated we do not propose to issue a direction to the department that they should straightaway grant the scale of Rs. 1200 - 2040 at least notionally from 1.1.86 as prayed for in the present application.

8. With the observations contained in para 6 & 7 we finally dispose of this application. No costs.

Sd-

Sd-

14/3/95  
( A.N. WUJANARADHYA )  
MEMBER (J)

( V. RAMAKRISHNAN )  
MEMBER (A)

TCV



TRUE COPY

Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore