

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, CAMP AT PANAJI.

O.A.547/95 & O.A.548/95

Dated : 10.4.1997

Coram : Hon'ble Shri B.S. Hegde, Member (J)
Hon'ble Shri P.P. Srivastava, Member (A)

Dr. A. Rajendran,
resident of SAD 19,
N.I.O. Colony, Dona Paula,
Panaji, Goa-403 001.

.. Applicant in
O.A.547/95

(By Advocate Shri P.A. Kholkar)

Dr. S.Y. Kamat,
resident of 10, Singbal Bldg.,
Tonca, Caranzalem,
Goa - 403 002.

.. Applicant in
O.A.548/95

(By Advocate Shri P.A. Kholkar)

Vs.

1. Director, National Institute
of Oceanography, Dona Paula,
Goa - 403 004.

2. Joint Secretary (Administration)
Council of Scientific and Industrial
Research, Anusandhan Bhavan,
Rafi Marg,
New Delhi. 110 001.

.. Respondents.

(By Shri Shashikant Joshi, Standing Counsel).

O R D E R

(Per : B.S. Hegde, Member (J)

In these 2 Original Applications, the applicants have challenged the impugned order dated 15.11.1994 issued by the respondents stating therein that the matter has been considered carefully in consultation with Finance and thus both the Scientists namely Dr. S.Y. Kamat and Dr. A. Rajendran, claiming pay parity with Shri P.S. Gore, had never held the

BH

post of Scientist A/A1 in the National Institute of Oceanography, Goa having been directly appointed as Scientist B in the scale of Rs.700-1300 with effect from 31.1.78 and 6.2.78 respectively. Shri P.S. Gore started drawing higher pay to Dr.S.Y Kamat and Dr. A. Rajendran with effect from 1.2.1981 as he had worked as Scientist 'A' with effect from 23.11.76 and was assessed and promoted as Scientist 'B' with effect from 1.2.81 and also allowed two advance increments in terms of CSIR letter dtd. 24.5.82 read with letter dtd.1.12.82. In view of the ~~above~~ stepping up of the pay of Drs. Kamat and Rajendran is not permissible under the rules. The prayer made by the applicants is that though they were drawing higher pay than Mr.Gore on his assuming the post of Scientist 'B', the Gore is drawing more pay than the applicants. Therefore the applicants are seeking parity with that of their junior who have been promoted consequent upon the implementation of New Recruitment and Assessment Scheme (NRAS) with effect from 1.2.1981 and subsequent to implementation of 4th pay commission with effect from 1.2.1986, and further prays that the respondents be directed to pay the applicants all the arrears with effect from 1.2.1981 till the date of actual payment.

2. Heard Mr.P.A. Kholkar, learned Counsel for the applicant ~~and~~ Mr.Shashikant Joshi, learned Counsel for the Respondents. The learned Counsel for the Respondents drew our attention to the chart prepared by them showing that Shri Gore is drawing pay of Rs.980/- as Scientist 'B' as on 1.2.1981 whereas the applicants were drawing pay of Rs.900/- as on 1.2.1981, though they were appointed earlier as Scientist 'B' than Mr.Gore. The learned Counsel for the applicant drew our attention to the recommendations made by the Director of National Institute of Oceanography vide letter dtd. 30.12.1988 adr *Ma*

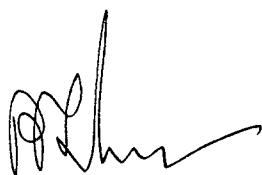
vide letter dtd. 30.12.1988 addressed to the Joint Secretary (Admn), Council of Scientific & Industrial Research, New Delhi stating that the representation need favourable consideration keeping in view the prime intention of NARS and the morale of the direct recruits. Approval of the competent authority may therefore kindly be obtained and communicated for stepping up the pay of Drs. Kamat and Rajendran in the scale of Rs.700-1300/- with effect from 1.2.1981 on par with that of Shri Gore i.e. raising their pay from Rs.900/- to Rs.980/- per month with effect from 1.2.1981 on par with Shri P.S. Gore. Learned Counsel for the respondents drew our attention to the recommendation of Varadarajan Valluri Committee regarding the basic pay of Scientist Gr.'B' and abolition of Scientist Gr.'A' post, those who have rendered services in Scientist Gr.'A' corresponding advance increments were given by them consequent upon their promotion to Scientist Gr.'B'. The applicants are not questioning the grant of advance increments to Mr.Gore, but they are seeking parity of pay with Mr.Gore who is junior to the applicants. The fact is that Mr.Gore is junior to the applicants. Having raised his pay higher than the applicants the stepping up of pay of the applicant with that of their junior Mr.Gore which they do not do so in this case.

3. In support of this contention the learned Counsel for the applicant relied upon the decision of Bangalore Bench of the C.A.T. in O.A.896/87 A. Santhanam Vs. Director, National Aeronautical Laboratory, Bangalore decided on 30.3.1988 wherein the Tribunal has quashed the impugned order and directed the respondents to fix the pay of the applicant at Rs.1020/- with effect from 1.2.1981 and pay him all the consequential benefits including the arrears of pay fixation within 2 months.

[Signature]

4. Keeping in view of the aforesaid judgment of the Tribunal, Counsel for the applicants submits that their pay is required to be stepped up with that of Mr.Gore by quashing the impugned order passed by the respondents dtd.15.11.1994 as it is neither based on the material facts nor in accordance with the rules.

5. In the result, we allow these Original Applications quashing and setting aside the impugned order dtd.15.11.1994 and direct the respondents to step up the pay of the applicants on 1.2.1981 at par with Mr.P.S. Gore. Since it is regarding stepping up of pay with effect from 1.2.1981 to that of their junior Mr.Gore, however, the applicants are not entitled to any consequential benefits of pay and arrears from that date but they are entitled to the arrears of pay and allowances prior to one year from the date of filing of these O.A.s which came to be registered on 30.5.95. The pay fixation of the applicants be done within three months from the date of decision of this order. O.A. is disposed of with no order as to the costs.



(P.P. SRIVASTAVA)
MEMBER (A)



(B.S. HEGDE)
MEMBER (J).

H.