

001. M  
0084/95

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

Dupis will  
for  
Tg & sc

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 Paule,  
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

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 therespondents 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

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.

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.

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COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH

RAFI MARG,

No.5(30)83-E.II

New Delhi-110001, the 15 Nov.1994

FROM

Joint Secretary (Admn.)

Council of Scientific and Industrial Research

To,

The Director,

National Institute of Oceanography,

Dona Paula,

Goa - 403 004.

Sub :- Stepping up of pay of Dr. S.Y.Kamat  
and Dr. A. Rajendran, Scientist of  
NIO, Goa at par with their Junior  
Shri P.S. Gore, Scientist.

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Sir,

With reference to your letter No.1/501/70-NIO dated 6-9-1994 on the above subject, I am directed to state that the matter has been considered carefully in consultation with Finance and it is seen that both the Scientists namely Dr.S.Y.Kamat and Dr.A. Rajendran, claiming pay parity with Shri P.S>Gore, had never held the post of Scientist A/A1 in NIO, Goa having been directly appointed as Scientist 'B' in the scale of Rs.700-1300 w.e.f. 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 w.e.f. 1.2.81 as he had worked as Scientist 'A' w.e.f. 23.11.76 and was assessed and promoted as Scientist 'B' w.e.f. 1.2.81 and also allowed two advance increments in terms of CSIR letter No.17(68)/81-ECTE dated 24.5.82 read with letter No.17(85)/82-EII(FPS) Vol.II dated 1-12-1982.

In view of the above, stepping up the pay of Drs. Kamat and Rajendran is not permissible under the rules.

Yours faithfully,

Sdt/-

(Girish Chopra)

Under Secretary

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No.1/501/7C-NIO

N.I.O., Goa Date 6.12.94

Copy for information to:-

1. Dr. A.O. NIO,
2. Dr. S.Y. Kamat, Scientist
3. Dr. A.Rajendran, Scientist
4. C/c to

No.1/501/18-NIO

30th December, 1988

From

The Director

National Institute of Oceanography

To

The Joint Secretary (Admn)

Council of Scientific & Industrial  
Research,

Anusandhan Bhawan, Rafi Marg,

NEW DELHI - 110 001

Sub :- Stepping up of pay due to assessment  
promotion under NARS in respect of  
Dr. S.Y. Kamat, Sct. 'B' and Dr. A.  
Rajendran, Sct. 'B'

Sir,

I am directed to forward herewith two representations received from Dr. S.Y.Kamat and Dr. A. Rajendran, Scientists 'B' of this Institute, wherein they have requested that their pay should be stepped up to Rs.980/- with effect from 1.2.1981 at par with their junior Shri P.S. Gore, Scientist B who started drawing Rs.980/- in the scale of Rs.700-1300/- with effect from 1.2.1981. They have shown for comparison purposes the pay drawn by about 6 Scientists. However, we have



taken for comparison only the case of Shri P.S. Gore.

Both Dr. S.Y. Kamat and Dr. S. Rajendran were directly appointed as Scientist B on an initial pay of Rs.700-40-900-EB-40-1100-50-1300 with effect from 31.1.1978 and 6.2.1978 respectively, Shri P.S. Gore their junior was holding the position of Scientist A upto January 1981. Due to the implementation of NARS, Shri Gore was promoted as Scientist B in the scale of Rs.700-1300/- and his pay of CSIR letter No.17(65)/81-E.II-CTE dated 24.5.1982 and No.7(65)/82-E.II(PFS) Vol.II dated 1.12.1982. The pay drawn from time to time by all the three Scientists is detailed in the enclosed sheet.

Both Dr. Kamat and Dr. Rajendran were direct appointees as Scientist B whereas Shri Gore was only Scientist A at the time of appointment of Dr. S.Y. Kamat and Dr. Rajendran. However, as a result of the implementation of NARS, Shri Gore who was junior for 3 years as Scientist B to Dr. Kamat and Dr. Rajendran and drawing less pay even on 1.1.1981 was able to draw more pay on 1.2.1981. In other words, not only the direct recruits and the promotees were equated but also the promotee

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started drawing more pay on 1.2.1981 which is not the intention of the NARS.

If the anomaly is not settled at this stage, it is feared that the suffering of both Dr. Kamat and Dr. Rajendran will be perpetuated till the end of their career. At a later stage, in a higher position even if we want to quote their future pay with the future pay of Shri P.S. Gore in higher position, we cannot allow stepping up as Shri Gore will be always drawing more pay than Dr. Kamat and Dr. Rajendran as he has been drawing from 1.2.1981. Shri Gore will also reach the maximum of the scale of pay much before Dr. Kamat and Dr. Rajendran and Shri Gore will have chance to his assessment early at the maximum of the scale too. In all fairness, this anomaly cannot be perpetuated since the intention of the Valluri Committee recommendations is only to bring into Group IV qualified M.Sc. for better RCD contribution and certainly not at the cost of scientists efficiency and aptitude.

It is therefore requested that their representation need favourable consideration keeping in view the prime intention of NARS and the morals of the direct therefore kindly be obtained and communicated for stepping up the pay of Drs. Kamat and Rajendran in the scale of Rs.700-1300/- with

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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. An anomaly is an anomaly and  
anything said not to redress will be only an  
effort of convenience.

Yours faithfully,

Sdt/-

( R.V. SARMA )

Administrator Officer