

(59)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.775/91

Date of Order: 10.2.94

BETWEEN:

Y.R.B.Sarma

.. Applicant.

A N D

1. Indian Council of Agricultural
Research, rep. by the Secretary,
Krishi Bhavan, New Delhi.

2. The Project Director,
Directorate of Rice Research,
Rajendra Nagar,
Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr. Meharchand Nori

Counsel for the Respondents

.. Mr. G. Parameswar Rao,

CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUD L.)

Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

The applicant joined as Computer in the
All India Coordinate Rice Improvement Project (AICRIP)
at Rajendranagar, Hyderabad on 11.8.69 in the scale
of pay of Rs.150-300 which was revised to Rs.350-560
in 1973.

2. Claiming higher scale of pay, the applicant
along with another employee filed W.P.No.5741/79 which
was allowed with a direction to the respondents to
fix the pay of the petitioner on par with the pay of
Computer in All India Coordinated Research Project for
Dryland Agriculture. The respondents preferred Writ
Appeal No.1474/86 which was disposed of by substantially
up-holding the judgement in the Writ Petition but with
the final direction to fix the pay of the petitioner in
the scale of Rs.425-600 w.e.f. 1.1.73 but to make actual
payment of arrears w.e.f. 1.2.79 only.

3. Having secured the benefit of the higher scale
of pay (Rs.425-600) the applicant requested the authorities
concerned for induction into 'S' Grade. His representation
was forwarded by the Directorate of Rice Research to the
Indian Council of Agricultural Research vide letter dated
11.5.88. Para 5 of the said letter reads as under:-

"I therefore, request Council to
examine the case in the light of the
provision of ARS Rules, ICAR-1977
page No.10, i.e. 2, dealing with Future

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Maintenance of Service-Grade 'S' to qualified employees of the Council in the scale of Rs.425-700/Rs.550-750, and convey Council's approval for induction of Sri Y.R.B.Sarma into 'S' grade with retrospective effect, as we are bound to pay all the consequential benefits as per the A.P. High Court orders vide W.P.5741 of 1979 dated 29.8.1986".

4. Notwithstanding the favourable recommendation with which the request of the applicant was forwarded to the ICAR, the respondents did not give any categorical reply to the applicant. He submitted several other representations which also remain ^{ad} ^{ed} unanswered. Consequently his prayer in this application is for a direction to the respondents to dispose of his representations, the latest of them being the one dated 29.1.91.

5. We have heard learned counsel for both the parties. Mr. Meharchand Nori, learned counsel for the applicant urged before us that the prayer of the applicant is simple and innocuous, and as the applicant rightly felt that ^{he} ~~it~~ deserved to be inducted into Service 'S' Grade. He ^{made} ~~makes~~ several representations to the authorities concerned. There is no justification for the respondents not to reply to any of the representations. The applicant is entitled if not to the benefits sought in the representation atleast to the reply.

6. Opposing the prayer of the applicant Mr. G. Paraneswara Rao, Standing Counsel for the respondents ^{assailed} ~~assailed~~, that the respondents having fully complied with the judgements of the A.P. High Court in Writ Petition No.5741/89 and Writ Appeal No.1474/86, the applicant cannot now extend the scope of the said judgements for his induction into service Grade 'S'. The applicant resigned his service in AICRIP w.e.f. 2.6.81. His prayer for being considered for induction into

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Service Grade 'S' now ^{being} ~~been~~ made after the judgements of the A.P. High Court ^{is} ~~are~~ belated and should not be entertained.

7. We have carefully considered the rival contentions. The reasons why the applicant is persuing with the matter seems to be that in case the respondents accepted his request and allowed his induction to Service Grade 'S' and assumption into S-1, he would probably get some matching benefits in his present post in the college of A.P. Agricultural University. As regards the delay in approaching this Tribunal, we need not reject this application on that ground itself. As brought out by Mr. Meharchand Nori, learned counsel for the applicant, the judgements of the A.P. High Court ^{were} delivered in the year 1986 and ever since ^{the applicant} ~~he~~ has been agitating the issue with the respondents ^{by the Respondents} ~~itself~~. The SLP filed ^{by the Respondents} in the case, according to his instructions has been dismissed in 1990. In any case, as can be seen from the letter dated 3.1.1991 from the Directorate of Rice Research addressed to the applicant the representations of the applicant already stood forwarded ^{to the} ~~together with~~ ICAR for a decision. We, therefore, condone the delay in filing ^{to the} this O.A. and M.A. 946/91 is allowed accordingly.

8. It is evident that the relief sought in this application, for a direction to the respondents to dispose of the representations of the applicant is aimed securing ~~the~~ suitable explanation from the

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respondents as to the reasons why his request for induction into service Grade 'S' could not be entertained/accepted by the respondents. This aspect of the matter is now sufficiently clarified by the respondents in their counter affidavit, the relevant portion from the same may be re-produced here:

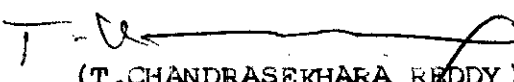
"The applicant had resigned from his post in this Directorate on 22.6.81 and was relieved of his duties from the same date.


I submit that as already stated, the judgement of the Hon'ble High Court of Andhra Pradesh in W.P.No.5741/79 as modified by the Division Bench in W.A.No.1474 of 1986 was already implemented and the benefits extended to the applicant. However, his induction to Scientist 'S' cadre was outside the scope of judgement of the High Court and hence it does not arise.

It is not ture to say that the 2nd petitioner in W.P.No.5741/79 and 2nd respondent in W.A.No.1474/86 is given the benefit of induction to Scientist 'S' Grade. The ICAR in its letter F.No.9(38)/90-Estt.IV dated 24.11.92 categorically indicated that it is not possible to induct the 2nd respondent (Sri A.S.Ramaprasad) into Scientist 'S' Grade, namely granting him the payscale of Rs.550-900 in the pre-revised scale. It may also be pointed out here that the applicant's selection as Agricultural Statistician (T-7) in CIAE, Bhopal, has no relevance to the present case. The applicant is also not eligible for induction into Scientist 'S' Grade, as claimed by him".

9. The above averments made by the respondents in the reply affidavit should satisfy the applicant's requirment, ^{as} as they explain ^{the} circumstances under which the respondents feel that they cannot accepted the applicants request for induction into Scientist 'S' Grade. In view of this it would be a futile exercise if we direct the respondents to dispose of the varbus

representations of the applicant which were pending with them. There is thus no requirement to give any direction to the respondents in this OA and the application ^{is} accordingly disposed of without any order as to costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B. GORTHI)
Member (Admn.)

Dated: 10th February, 1994

(Dictated in Open Court)


Deputy Registrar(J)C.C.

To sd

1. The Secretary, Indian Council of Agricultural Research, Krishi Bhavan, New Delhi.
2. The Project Director, Directorate of Rice Research, Rajendra Nagar, Hyderabad.
3. One copy to Mr. Meharchand Nori, Advocate, CAT.Hyd.
4. One copy to Mr. ~~G. Parameswara Rao~~ CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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representations of the abby

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

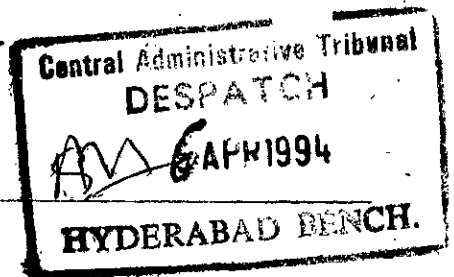
AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER
(ADMN)

Dated: 00-2-1994.

~~ORDER/JUDGMENT:~~

M.A./R.A/C.A. No.



in

O.A.No.

775/91

T.A.No.

(W.P.No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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*C.O.
It is directed that the
of the Government
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*For
corrected
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