

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

3G

ORIGINAL APPLICATIONS NO.991/91 and 1058/91

DATE OF JUDGEMENT: 1 - 11 1994

Between

1. Saladi Koteswararao Naidu
2. Yanamandra China Narasimhamurthy
3. Nakka Prabhakara Rao
4. C.B.Sarma
5. David Gnana Kumar
6. Iruku Venkata Subba Rao
7. Sistla Veera Venkata Satyanarayana
8. Sonti Surya Prasad
9. Turaga Krishnamurthy
10. Ajjarepu Hanumantha Rao
11. Duggirala Ramchandram
12. A.V. Sekhara Babu
13. Dr. A.S. Krishnamurthy

.. Applicants in OA 991/91

.. Applicant in OA 1058/91

and

1. Director General
Indian Council of Agricultural
Research, Krishi Bhawan, New Delhi

2. The Director
Central Tobacco Research Institute
Rajahmundry, East Godavari District .. Respondents

Counsel for the Applicants :: Mr P.Rama Rao
Counsel for the Respondents :: Mr V.Bhimanna
in OA 991/91
Mr NV Ramana
in OA 1058/91

CORAM:

HON'BLE SHRI A.V. HARIDASAN, MEMBER (J)

HON'BLE SHRI A.B. GORTHI, MEMBER (A)

BD

O.A.No.991/91

and

O.A.No.1058/91

Dt. of Judgement: _____ 94

JUDGEMENT

[(As per Hon'ble Shri AV Haridasan, Member(J))]

As the issues involved in both these cases are identical, these cases are disposed of jointly by this common order.

2. The common grievance of the applicants in these cases is that the respondents, while bifurcating the services of Research Assistants into two services viz., technical service and agricultural research service with effect from 01.10.1975, kept graduate technical assistants like the applicants in the grade of T-II-3 in the pay scale of Rs.425-700, while inducting the Postgraduate Research Assistants in the Agricultural Research Services with a pay scale of Rs.550-900/- though ~~and after~~ before bifurcation, research assistants irrespective of whether they were graduates or Post-graduates, continued to perform the same duties and responsibilities.

3. The facts of the case may be briefly, stated as follows:

3. All the 12 applicants in OA 991/91 and the single applicant in OA1058/91 were working as Research Assistants in the Headquarters of the 2nd respondent as well as in the Research Station of the second respondent as Research Assistants in the year 1975. The first applicant in OA 991/91 was Research Assistant in the Demonstration Section, the 2nd applicant and the 4th applicant in the Plant Physiology, 5th applicant in Agricultural Chemistry, 7th applicant in Antimology 8th and 10th applicants in Agricultural chemistry, 11th applicant in Agronomy, 12th applicant in Plant breeding

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and 3rd, 6th and 9th applicants as Farm Managers. The applicant in OA 1058/91 was also working as Research Assistant in the HQrs of the 2nd respondent during the relevant period.

4. The Central Tobacco Research Institute, Rajahmundry is a constituent unit of Indian Council of Agricultural Research. All the applicants were in the technical services in the 2nd respondents organisation. Prior to 1.1.1973, the research assistants in the ~~same~~ 2nd respondent's organisation, though performing the same duties, were placed under different grades of pay, but, with effect from 1.1.1973, they were brought under a common revised scale of Rs.425-600/-. But, with effect from 1.10.1975, the scale of pay of Rs.425-600/- was merged into a common grade having a scale of pay of Rs.425-700/ and all the technical research assistants, irrespective of their qualifications, were brought under the scale of Rs.425-700/-. Thereafter w.e.f. 1.10.1975, the Indian Agricultural Research (ICAR for short), re-organised the services of these technical research assistants by bifurcating their services into technical service and Agricultural Research Service. The graduate technical/research assistants who were performing the same duties and responsibilities like Post-graduate Research Assistants and were getting the same scale of pay of Rs.425-700 were placed in Category II Grade T-II-3 of the technical services, whereas, the Post-graduate Research Assistants who were also getting the same scale of pay of Rs.425-700 were inducted into Agricultural Research Services (ARS for short) and were given a higher pay scale of Rs.550-900, which is the next grade i.e. T-4 for technical services.

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The grievance of the applicant is that, even after bifurcation of the services into technical service and Agricultural Research service, graduates as well as, post-graduates continued to perform the same duties and responsibilities and therefore, not granting them (the applicants in these cases) the pay scale of Rs.550-900 while their post-graduate counter-parts who were inducted into ARS were given higher scale, is arbitrary and violative and 39(d) of Article 14 ~~and~~ 16 of the Constitution of India.

The Technical Assistants (Statistical) who were working in the Indian Agricultural Statistics Research Institute (herein after called IASRI for short), which is also a constituent unit of Indian Council of Agricultural Research, who were also left behind in T-II-3 Grade of Rs.425-700, raised an industrial dispute claiming parity in the scale with their counter-parts of Post-graduates who were inducted into ARS, This dispute was referred to the Industrial Tribunal, Delhi and the Industrial Tribunal, Delhi in its award ID No.9/82 (published in the Delhi Gazette dated 4.2.88) accepted the claim of the Technical Assistants (Statistical) in the IASRI and directed the first respondent to place the technical assistants (statistical) in the scale of Rs.550-900 with all consequential benefits. Coming to know that the award of the Industrial Tribunal No.2, Delhi was implemented by the first respondent, the applicants submitted a representation on 2.11.90 to the Secretary, Central Joint Staff Council for extension of same benefit to them also. The representation was placed before the Staff Council. The matter was discussed in the meeting held on 17-18.2.1991, between the staff secretary and the Director General of ICAR. The first respondent, though agreed to collect the relevant information and take a decision before 30.4.91 has not taken any decision so far. Hence, the

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applicants have filed the present applications under Section 19 of the Administrative Tribunals Act, for a declaration that, they are entitled to be placed in the scale of Rs.560-900 w.e.f. 1.10.1975 in category II Grade-T-4-II w.e.f. 1.10.1975 with all consequential benefits including fixation of pay and future promotions as were available to their co-research assistants (post-graduates) under the ARS and for a direction to the respondents to pay the arrears of salary and other monetary benefits.

5. The respondents, in their reply have contended that the decision to bifurcate the services into technical service and Agricultural Research Service was ~~xxx~~ taken with a view to improve the services and the Post-graduates were inducted into ARS while the graduates were retained in technical services, with separate avenues for promotion. They contend that as the Post-graduates ~~were~~ were inducted into ARS and graduates who were retained in technical services ~~were~~ and were qualitatively different in their knowledge ~~and~~ / qualification, the decision not to place those who were included in the technical service in the Grade T-II-4 cannot be said to be violative of Article 14 and 16 of the Constitution. They contend that the principle of equal pay for equal work cannot be applied in the ~~xxxxxx~~ instant case ~~as~~ as has been held by the Supreme Court in AIR1989 SC 29.

The respondents further contend that since the applicants have been given grade promotions in their own category and those, who subsequently acquired Post-graduation ~~have been~~ inducted into ARS, the applicants cannot have any legitimate grievance.

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6. We have heard counsel for both the parties and have gone through the entire material on record very carefully.

7. It is not disputed that the Central Tobacco Research Institute, Rajahmundry and the Indian Agricultural Statistical Research Institute are constituent units of Indian Council of Agricultural Research and that the technical assistants (statistical) in the IASRI ~~as well as~~ as well as the research assistants in Central Tobacco Research Institute were placed in the pay scale of Rs.425-700 as on 1.10.1975 in T-II-3 of technical services, that the Industrial Tribunal No.2, Tiz Hazari Courts, New Delhi in ID No.9/82 allowed the claim of the technical assistants (statistical) for extension of the pay scale of Rs.550-900/- with effect from 1.10.1975. A copy of the Gazette Notification containing the award of the Industrial Tribunal No.2, Delhi, in ID No.9/82 has been appended to the OA.

8. The learned counsel for the respondent agreed that the Technical Assistants (Statistical) of IASRI as well as, the Research Assistants in Central Tobacco Research Institute are governed by the same technical service rules. Therefore, if the technical assistants (statistical) who were denied the benefit of placement in Rs.550-900 originally, were given the pay scale later with effect from 1.10.75 in implementation of the award passed by the Industrial Tribunal, it is only just and reasonable that the same benefit is extended to the applicants also, because, the technical assistants (statistical) in IASRI were left behind in Grade-T-II-3 while their ~~RS~~ post-graduate counter parts were ~~intimated~~ inducted into ARS and given the scale of Rs.550-900 for the reason that the former did not possess post-graduate qualification. Exactly, the same is the

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situation in the case of the research assistants in the Central Tobacco Research Institute.

9. The applicants, through their staff counsel demanded the extension of the benefit granted to their counterparts technical assistants in IASRI. No final decision has so far been taken. In the reply statement, the respondents have contended that the applicants are not entitled to the benefit. Their contention is, that the Industrial Tribunal No.2, Delhi in ID No.9/82 has committed ^a glaring error and that the award is not sustainable. But, they have no case that the applicants are not similarly placed as the technical assistants (statistical) graduates of IASRI. Therefore, we wanted to ascertain from the parties whether the award of the Industrial Tribunal No.2, Delhi, in respect of Technical Assistants (Statistical) of the IASRI has become final and whether the same has been implemented. The counsel on either side, after getting instructions from their parties confirmed that the award of the Industrial Tribunal No.2, Delhi in ID No.9/82 have become final and that the same was implemented also. The learned counsel for the applicants produced for our perusal a copy of order No.14(8)/88-Admn.II dated 1.12.1989 of the Indian Agricultural Statistics Research Institute Library Avenue, New Delhi-12, which reads as follows;

OFFICE ORDER

In terms of the award dated 8.1.88 of the Industrial Tribunal No.II, Tis Hazari Courts in Industrial Dispute No.9/82 (ICAR V/s its workmen) and on the authority of the Council's letter No.10-7/87-LAW (Vol.II) dated 10.11.89 the Director, Indian Agricultural Statistics Research Institute has been pleased to place the following Technical Assistants (Stat.)/AECO who were in position in the pre-

7th Nov
2008

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revised pay scale of Rs.425-700 as on 1.0.75 in the pre-revised pay scale of Rs.550-900 with effect from 1.10.75 i.e. ~~from~~ the date from which Technical services came into force:-

1.	xx	xx	12.	xx	xx	xx
2.	xx	xx	13.	xx	xx	xx
3.	xx	xx	14.	xx	xx	xx
4.	xx	xx	15.	xx	xx	xx
5.	xx	xx	16.	xx	xx	xx
6.	xx	xx	17.	xx	xx	xx
7.	xx	xx	18.	xx	xx	xx
8.	xx	xx	19.	xx	xx	xx
9.	xx	xx	20.	xx	xx	xx
10.	xx	xx	21.	xx	xx	xx
11.	xx	xx	22.	xx	xx	xx

Their cases for grant of merit promotion to the next higher grade in T-5 in the pre-revised scale of pay of Rs.650-1200 will be considered by the duly constituted Assessment Committee with effect from the date of their eligibility. They are accordingly requested to submit their five yearly assessment forms to Admn.II Section latest by 11.12.89 positively.

Sd/-
Chief Administrative Officer"

10. The above letter clearly shows that the award of the Industrial Tribunal Delhi ~~has~~ been implemented and Technical Assistants(Statistical) in IASRI, who were in position in the pre-revised scale of Rs.425-700 in T-II-3 category as on 1.10.75 have been placed in the scale of Rs.550-900 with effect from 1.10.75. As the Technical Services Rules applicable to different constituent units of ICAR are one and the same, we find no justification in denying the same benefit as was extended to the Technical Assistants(Statistical) in IASRI to the applicants herein who are similarly placed and are governed by the same set of rules. Therefore, we are of the considered view that the applicants ~~are~~ entitled to the scale of Rs.550-900 with effect from 1.10.75 in Category II in Grade F-4-II. However, they will be entitled to get the arrears of pay and allowances consequence ^{on} ~~on~~ such placement only from a date one year prior to the filing of the respective applications.

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11. In the result, both the applications are allowed in part. It is hereby declared that the applicants in both these cases are entitled to be placed in Category II in Grade T-4-II in the pay scale of Rs.550-900 with effect from 1.10.1975, with all consequential benefits of fixation of pay, etc. The respondents are directed to fix their pay accordingly and to pay to the applicants the resultant arrears only with effect from the date one year prior to the filing of the applications i.e. in respect of applicants in OA 991/91 with effect from 21.10.90 and in respect of the applicant in OA1058/91 with effect from 13.11.90. Parties are directed to bear their own costs.


(A.B. GORTHY)
Member(A)


(A.V. HARIDASAN)
Member(J)

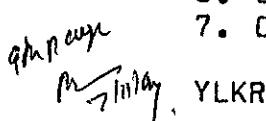
Dated: 1-11-94


DEPUTY REGISTRAR(J)

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Copy to:

1. The Director General, Indian Council of Agriculture Research, Krishi Bhavan, New Delhi.
2. The Director, Central Tobacco Research Institute, Rajahmundry, East Godavari District
3. One copy to Mr.P.Rama Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr.V.Bhimanna, Addl.CGSC, CAT, Hyderabad.
5. One copy to Mr.N.V.Ramana, Addl.CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.


M. S. T. M. YLKR