

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 933/94.

Dt. of Decision : 10-8-94.

1. K. Achuta Rao
2. Smt. S. Indira
3. Smt. Swarnalatha Kaul
4. B. Upendranath Singh. Applicants.

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1. Indian Council of Agricultural Research, rep. by its Secretary, Krishi Bhavan, New Delhi-110 001.
2. National Research Centre for Sorghum, Rajendra Nagar, Hyderabad - 500 030. rep. by its Director. .. Respondents.

Counsel for the Applicants : Mr. V. Jagayya Sarma

Counsel for the Respondents : Mr. K. Bhaskara Rao

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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(133)

O.A.No.933/94.

Date: 10.8.1994.

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) I

Heard Sri V.Jogayya Sarma, learned counsel for the applicants and Sri K.Bhaskar Rao, learned Standing Counsel for the respondents.

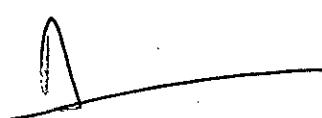
2. The first three applicants in this O.A. are Senior Scientists in Indian Council for Agricultural Research, New Delhi, and the 4th applicant is working as Selection Grade Scientist under R-2. Their grievance is that on revision of pay scales due to introduction of IV Pay Commission scales the date of increment in the revised pay scales has been fixed in such a way that they suffer by comparison to the similar date of increment given to their junior Dr.M.J.Wilson. Their representation in this regard having been rejected by ~~.....~~ NO.4120/1993 dated 09/05/93 at 18.8.1993 of the respondents on the ground that there is no concept of inter-se seniority amongst ARS Scientists like the applicants, the question of giving relief on this account does not arise.

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~~The brief facts are as follows:-~~

The applicants were drawing more pay in the old scale (i.e. III Pay Commission scales) compared to Dr.M.J. Wilson with whom they compare. When all of them were brought under IV Pay Commission scales of pay from 1.1.1986, the applicants as well as Dr.Wilson were placed at the minimum of the scale i.e. Rs.3700/- in the scale of Rs.3700-5700 as on 1.1.1986. However, as the increment of Dr.Wilson fell on 1.3.1986, his pay in the revised scale was fixed at Rs.3,875/- as on 1.3.1986 by giving him one increment on the basis of the para-6 of Council's letter No.1-14/87-Per.IV

...3/-



dated 9.3.1989. On the basis of the same rule the applicants were given benefit of next increment only from 1.1.1987.

4. The applicants contend that this assignment of next date of increment was not correct as this was done without reference to para-6 of the letter quoted above regarding revised pay scales.

5. The relevant portion of that para is reproduced below:-

"6. Date of next increment in the revised scale:

The next increment of an employee whose pay has been fixed in the revised scale in accordance with para-5 above shall be granted on the due date on which he would have drawn his increment, had he continued in the existing scale.

(i) Provided that in cases where the pay of a council employee is stepped up in terms of Note-3 or Note-4 or Note-7 to para-5 above, the next increment shall be granted on the completion of qualifying service of twelve months from the date of stepping up of the pay in the revised scale;

(ii) Provided further that in cases other than those covered by the preceding proviso the next increment of a Council employee, whose pay is fixed on the 1st day of January, 1986 at the same stage as the one fixed for another Council employee junior to him in the same cadre and drawing pay at a lower stage than his in the existing scale, shall be granted on the same date as admissible to his junior, if the date of increment of the junior happens to be earlier; "

It is in these circumstances they made a representation for stepping up of their pay with respect to their junior Dr.M.J. Wilson which was rejected by the impugned letter dt.18.8.1993. The applicants, hence, ~~have~~ have prayed for quashing the impugned order and to direct the respondents to fix their pay at the stage of Rs.3,825/- with effect from 1.3.1986 as has been done in the case of Dr.Wilson, their junior.

6. The Principal Bench of this Tribunal in O.A.No.1820/93, had dealt with a similar case which was decided on 11.2.1994.

(A)

In that O.A. the pay of one Sri Amar Singh an ARS Scientist who was junior to the applicant therein was fixed at the stage of Rs.3825/- from 1.2.1986 in the IV Pay Commission pay scales. It was ordered in that OA that the pay of the applicant therein should also be stepped up as on 1.2.1986 equivalent to his junior following para-6 of Council's letter dt. 9.3.1989 quoted above.

7. The applicants' herein are similarly placed to the applicant in OA 1820/93. Hence, the decision of the Principal Bench dt. 11.2.1994 in that OA is equally applicable to the applicants in this OA also.

8. In the circumstances, the applicant should be given the pay of Rs.3825/- with effect from the same date (1.3.1986) as has been given to Dr.M.J.Wilson and their next date of increment in the pay scale of Rs.3700-5700 should be the same as that which has been fixed for Dr.M.J.Wilson. The benefit of this order shall be granted to the applicants within a period of 3 months from the date of receipt of this order.

9. The OA is ordered accordingly at the admission stage itself. No costs.

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(R.Rangarajan)
Member(Admn.)

V.Neeladri Rao
(V.Neeladri Rao)
Vice Chairman

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Dated 16 August, 1994.

Grh.

Amrit Singh
Dy. Registrar(Jud1)

Copy to:-

1. Secretary, Indian Council of Agricultural Research
Krishi Bhavan, New Delhi-110 001.
2. Director, National Research Centre for Sorghum,
Rajendra Nagar, Hyderabad-500 030.
3. One copy to Mr. K. Bhaskara Rao, Adal. CGSC, CAT, Hyderabad.
4. One copy to Library, CAT, Hyderabad.

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England

Of. 733/84

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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. R. RANGARAJAN : M(A.D.N.)

DATED: 10-8-94

ORDER/JUDGMENT

M.A.NO./R.A/C.A.NO.

O.A.No.

(T.A.No.)

(W.P.No.)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions. *At the*

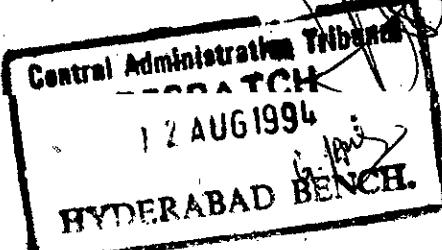
Dismissed *70th year stage*

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.



pvm.