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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1356/96

DATE OF ORDER : 01-09-1998.

Between :-

B.V.Ramana Rao

... Applicant

And

1. Dy.Director (Personnel) Indian council of Agricultural Research, Krishi Bhavan, Dr.Rajendra Prasad Marg, New Delhi.
2. Director, Central Research Institute for Dry land, Agriculture, Santhosh-nagar, Hyderabad.
3. Director General, Indian Council of Agricultural Research, Krishi Bhavan, Rajendra Prasad Marg, New Delhi.

... Respondents

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Counsel for the Applicant : Shri V.Sreeranga Rao

Counsel for the Respondents : Shri N.R.Devaraj,CGSC

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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None for the applicant. Applicant was also absent even though the OA is posted for dismissal. Since the OA was filed in the year 1996 we are disposing OA in accordance with Rule-15(1) of C.A.T. (Procedure) Rules, 1987. Heard Sri N.R.Devaraj, learned counsel for the respondents.

2. The applicant herein was initially recruited as Scientist S-3 in the scale of Rs.1500--2000 with effect from 29-11-1979. He submits that considering his performance in Scientist S-3, he was granted higher scale of pay of Rs.1800--2250/- and he was given the basic pay of Rs.1900/- with effect from 1-7-1985. He submits that he opted for revised scales of pay of Rs.4,500--7,300 in lieu of pre-revised scale of Rs.1800--2250/- with effect from 1-1-86 and falling his basic pay was fixed at Rs.4,500/- with next increment/due on 1-7-86. He compares his pay with that of one Dr.Sriram who was selected and appointed as Scientist S-3 in the basic pay of Rs.1500/- with effect from 23-01-80, and was given the basic pay of Rs.1800/- with effect from 1-1-1985. The applicant further submits that the said Dr.C.Sriram is junior to him.

3. The respondent No.1 by letter dt.28-1-93 took decision in respect of Scientist S-3 who was appointed prior to 1-7-1985 ~~and~~ to give the placement scale of Rs.4,500--7,300/- with effect from 1.1.1986. At that time Dr.C.Sriram opted for placement scale and his basic pay was fixed at Rs.4,650/- as on 1.1.86 by virtue of that, it is stated that Sri C.Sriram is drawing more

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basic pay than the applicant.

4. The applicant has relied upon the decision of this Bench in OA 1357/95 (B.V.Ramana Rao Vs. Director, CRIDA & 2 others) decided on 25-4-1996. The applicant submitted representation for stepping up of his pay on par with that of Dr.C.Sriram.

5. By letter dt.8-8-96 (Annexure-I to the OA) his request was not considered. The applicant has filed this OA praying for declaration that the action of respondent No.1 in issuing the impugned letter dt.8-8-96 rejecting his claim for stepping up of his pay on par with his junior at Rs.4,800/- with effect from 1.1.86 as illegal, improper, arbitrary and contrary to the instructions issued as per ICAR Lr.No.1-14/87 - per IV dt.9-3-89 and to set aside the same and consequently to direct the respondents to step up his pay on par with his junior with effect from 1.1.86 and to pay all the consequential benefits.

6. The respondents have filed their counter and they have specifically stated in page-5 of the reply that in accordance with the directions of this Tribunal in OA 1357/95 dt.25-4-96 the case of the applicant for stepping up of his pay on par with his junior Dr.C.Sriram was considered by the competent authority in ICAR, New Delhi, in consultation with the Finance Division and the Department of Personnel & Training, Govt. of India ~~which~~ did not concede for fixing up of pay of the applicant at Rs.4,800/- in the scale ~~PK~~ of pay of Rs.4,500-7,300 as it is not covered under the rules which enunciates that the senior and junior should belong to the same grade and should draw pay on the stage prior to 1.1.86 and

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after 1-1-86. That the anomaly had occurred as a result of clubbing the placement scale for S-3 and that of S-4 Scientists into one scale i.e. Rs.4,500-7,300 and their pay was fixed as on 1-1-86 while the junior got the benefit of bunching of increments at the stage of Rs.1900/- in the pre-revised scale of Rs.1500-2000 and such benefit was not available to the applicant. It is further stated that the above decision of the competent authority was conveyed to the applicant vide Office Note F.No.1-1(2)/90-Estt. dt.22-8-96 (Annexure-VIII to the counter affidavit). Thus the respondents submit that the pay of the applicant cannot be stepped up on par with that of his junior Dr.C. Sriram.

7. The rule 22-C of the FRSR is the basic rule for stepping up of pay of Senior on promotion drawing less pay than his junior. This has to be clearly examined before accepting or refusing the stepping up of pay. Though it is stated in the reply that the said order 22-C under FRSR is against the applicant, it is not clearly stated in the reply why this is so on the various points mentioned as (a)(b) and (c) in that order. Even the reply given to the applicant on that basis is not very clear. The applicant has not filed any rejoinder on that score. The OA has to be dismissed on the basis of the submissions of the respondents.

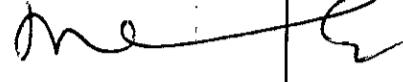
8. However, we feel necessary to ensure justice in this case, the respondent No.3 should re-examine this issue on the basis of the rule 22-C and record his reasonings why that order is against the applicant in this connection and a detailed reply on the basis of the above direction should be issued to the applicant within a period of three months from the date of receipt xxxx xxxx xxx xxxx xx

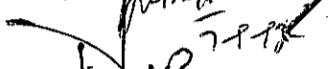
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of a copy of this order.

8. With the above direction, the Original Application is disposed of. No order as to costs.


B.P.S. JAI PARAMESHWAR
Member (J)
1.9.98


(R. RANGARAJAN)
Member (A)


R.

Dated: 1st September, 1998.
Dictated in Open Court.

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DA.1356/96

Copy to:-

1. The Dy. Director (Personnel), Indian Council of Agricultural Research, Krishi Bhavan, Dr. Rajendra Prasad Marg, New Delhi.
2. The Director, Central Research Institute for Dry Land Agriculture, Santheshnagar, Hyderabad.
3. The Director General, Indian Council of Agricultural Research, Krishi Bhavan, Rajendra Prasad Marg, New Delhi.
4. One copy to Mr. V. Sreeranga Rao, Advocate, CAT., Hyd.
5. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
6. One copy to HBSJP M(J), CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

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11/9/98
11/9/98

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARMESHWAR :
M(J)

DATED: 11/9/98

ORDER/JUDGMENT

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

in
C.A. NO. 1356 /98

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

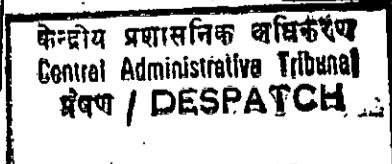
DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR



11 SEP 1998

हृसत्ताव भारतीय
HYDERABAD BENCH