

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

Q.A. No.115/04

~~Available~~ this the 8th day of December, 2004

CORAM

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Dr. Manoj Kumar Singh
S/o K.P. Singh
Indian Institute of Forest Management
Nehru Nagar, Bhopal.

Applicant

(By advocate Shri R.N. Roy)

Versus

1. Union of India through
Secretary to Govt. of India
Ministry of Environment & Forests
Paryavaran Bhawan, CGO Complex
Lodhi Road, New Delhi.
2. The Secretary
(Also Chairman, Board of Governors)
Indian Institute of Forest Management
Ministry of Environment & Forests
Paryavaran Bhawan, CGO Complex
Lodhi Road, New Delhi.
3. The Director General of Forests
(Also Vice Chairman, Board of Governors,
Indian Institute of Forest Management
Ministry of Environment & Forests.
Paryavaran Bhawan, CGO Complex,
New Delhi.
4. The Director
Indian Institute of Forest Management
Nehru Nagar, Bhopal.

Respondents.

(By advocate Shri Om Namdeo)

O R D E R

By Madan Mohan, Judicial Member

By filing this Q.A., the applicant has claimed the following
reliefs:

- (i) Direct the institute to treat the service of applicant
at par with the Research/Scientific Personnel i.e. Research
Associate for all purposes including pay scale (i.e.
Rs.8000-13500) and other benefits.



(ii) OR to direct the institute to upgrade the postgraduate and experience Research Assistant than the Research Assistant being appointed on the basis of graduate qualification only and to provide higher pay scale (i.e. 8000-13500) to the applicant distant from the Research Assistant who are recruited on graduate degree level.

(iii) To direct the IIFM to grant benefit of revised pay scale (i.e. 8000-13500) to the applicant w.e.f. the date of his appointment as per the recommendations of Vth Central Pay Commission or as per the pay structure of IIM/IIT pattern which has already IIFM adopted.

2. The brief facts of the case are that the applicant is a Research Assistant in the area of Economics under the category of employees of Research/Scientific Personnel. The recruitment is based on the recommendations of Personnel Selection Committee in the Indian Institute of Forest Management, Bhopal, shortly named as IIFM. The Research Associates (now working as Lecturer) were solely recruited for the purpose of research field. Hence the work of research is being carried out by Research Associates and Research Assistants. Pursuant to the advertisement No.IIFM/AMT/PSC -13/97 appeared in Employment News of March 1998, the applicant submitted his candidature in prescribed manner for his selection as Research Assistant in the pay scale of Rs.4500-7000 and he was selected and he joined the IIFM (Annexures A1 & A2 respectively). Being a Research Assistant, he performed the equal level of duties as compared to research associates which is evident from letter dated 15.11.99 (Annexure A3). The surprising factor is that the aforesaid letter was issued by the employer during the probation period of the applicant. According to the terms and conditions of appointment offer, the applicant can be removed due to unsatisfactory performance of work during the probation period. Once again, an advertisement was issued by the IIFM for recruitment of Research Assistant with a requirement of qualification upto having a level of graduate degree only. No master's degree, experience or professional qualification as eligibility was required, as it was essential for the same post and pay scale of the applicant. Meanwhile, the identical

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pay scale of Rs.4500-7000 was provided to such recruits. The applicant was shocked to know this fact as the said graduate research assistant was at par with the post of applicant having higher qualifications and experience. Staff Selection Committee in the IIFM is meant for the purpose of recruiting/selecting the administrative employees for the institute. This recruits the employees for the pay scale lower than Rs.8000-13500. While the Personnel Selection Committee is meant for recruiting/selecting the academic employees of IIFM for the pay scale of Rs.8000-13500 and above. The applicant's selection through Personnel Selection Committee in the pay scale of Rs.4500-7000 is highly surprising as well as contrary to the function area of both the selection committees in itself. Oral/written request of the applicant regarding his grievance was not replied by the Institute. Hence this OA is filed.

3. Heard learned counsel for the parties. It is argued on behalf of the applicant that the applicant is a research assistant and the concerned institute has four main activities namely teaching, research, training and consultancy in forestry and allied sectors. These research associates (now working as Lecturer) were solely recruited for the purpose of research field. Hence the research work is being carried out by research associates and research assistants. Our attention has been drawn towards Annexure A1 in which it is mentioned that Research Associates : Pay scale Rs. 4500-7000 (revised). Our attention is also drawn towards Annexure A4 in which the pay scale of Rs.4500-7000 is mentioned while in Annexure A5 the pay scale is shown to be 8000-13500. While similar work is being carried out by Research Assistants (applicants) and research associates, the respondents have not considered the due claim of the applicants inspite of filing many representations.

4. In reply, the learned counsel for the respondents argued that few research associates were re-designated as Lecturers. The pay scale of Research Associates and Lecturers are same at the Institute. This issue is not relevant to the case of the applicant as neither he is a research associate nor is a lecturer but he a research assistant. The applicant had applied for the post of Research Assistant in the pay scale of Rs.4500-7000 while the Institute invited applications for the post of Research Associates in the pay scale of Rs.8000-13500. The applicant was interviewed for the post of Research Assistant and the Staff Selection Committee found him fit for appointment as Research Assistant. Accordingly the offer of appointment was issued to him (Annexure A2), mentioning in it the terms and conditions. The applicant had accepted the terms and conditions and joined the Institute on 1.1.99 on the post of Research Assistant (Annexure R1&R2). As he had accepted the terms and conditions and pay scales, he is not entitled to claim the post of Research Associate whose pay scales are much higher. He was not assigned the work of higher and equal responsibilities as that of Research Associate. He was deputed to attend the training programme along with one Tekki Surayya, Research Associate for his own benefits to acquire experience in higher learning/training. Hence the level of expertise at both levels and output are quite different and their pay scales are also not same. The institute cannot revise the pay scale of any staff without orders of the Ministry of Environment and Forests. Hence the action of the respondents is perfectly legal and justified.

5. After hearing the learned counsel for both sides and a careful perusal of the records, we find that the applicant was appointed as a Research Assistant in the pay scale of Rs.4500-7000 while the post of Research Associate which was

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redesignated as Lecturer also but not as Research Assistant carries a pay scale of Rs.8000-13500. The applicant was also deputed to attend training programme but that programme cannot entitle him legally and cannot compare with the post of Research Associate or Lecturer in any way and in a catena of rulings, the Hon'ble Supreme Court has held that the Tribunal should not interfere in fixing higher pay scale.

6. Considering all the facts and circumstances, we are of the opinion that the OA has no merit. Accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

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पृष्ठांकन सं ओ/न्या.....जवलपुर, दि.....
प्रतिलिपि आवेदन:-

- (1) सरिय, उच्च व्यावायिक दाता प्रतिविधिकाल, जवलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्यार्थी श्री/श्रीमती/कु.....के काउंसल
- (4) व्यापाल, को.प.अ., जवलपुर व्यावायिक सूचना एवं आवश्यक कार्यदाही द्वारा

R.M.Roy Adv. DBP
on behalf of Adv. DBP
DBP

उप सचिव

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