

**Central Administrative Tribunal
Principal Bench**

OA No.1754/2013

New Delhi, this the 11th day of January, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Nita Chowdhury, Member (A)**

Dr. R. L. Sharma
S/o Shri B. D. Sharma
Aged about 70 years,
R/o 843-844, Rani Sati Nagar and
Retired as Principal Scientist from ICAR,
New Delhi.

- Applicant

(By Advocate : Shri S. S. Tiwary)

VERSUS

1. Indian Council of Agricultural Research,
Through its Director General
Krishi Bhawan,
Dr. R. P. Road,
New Delhi.
2. Director (Personnel)
ICAR, Krishi Bhawan,
New Delhi.
3. Secretary
Department of Higher Education
M/s Human Resource Development
Shastri Bhawan,
Dr. R. P. Road,
New Delhi.
4. University Grants Commission
Through its Secretary
Bahadur Shah Zafar Marg,
New Delhi 110 001.

- Respondents

(By Advocate : Shri Praveen Swarup and Shri Ravinder Agarwal)

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman:

The applicant retired as a Scientist S-2 on 31.08.2003. Vide subsequent order dated 11.06.2012, the applicant was granted promotion as Principal Scientist in Grade S-3 w.e.f. 31.12.1981 as is evident from Annexure-B.

2. The case of the applicant is that Indian Council of Agricultural Research (ICAR) vide its circular dated 27.02.1999 circulated a Scheme for Revision of Pay Scales of the Scientists of ICAR following the revision of pay scales of Central Govt. Employees on the recommendations of the 5th Central Pay Commission. According to the applicant under the said circular the applicant is entitled to Super Time Scale of Rs.22000-24500 on the basis of the provisions existing in the notification issued by the Ministry of Human Resource and Development (MHRD) for the teachers of universities and colleges under University Grants Commission (UGC). The applicant made a representation dated 17.01.2013 seeking the benefit of super time scale as referred to hereinabove. The said representation of the applicant has been declined vide the impugned communication dated 26.02.2013 on the ground that eligibility criteria and selection process had to be developed by the UGC/MHRD which had never been finalized by them and, therefore, the proposed super time scale is not implemented in the ICAR. This application has accordingly been filed seeking following reliefs:-

- “(a) To direct the respondents to formulate the scheme for grant of Super Time Scale of Rs.22000-500-24500 scale for merit promotion to the Principal Scientists of Eminence in terms of the circulars dt. 27/02/99 & 19/07/2000 on the basis of the similar notification issued by respondent No.3 for Teachers of Universities and Colleges under UGC, within a specified time frame.
- (b) To direct the respondents to consider the applicant, recognize and award the outstanding but un-assessed ARS service tenure (over 22 years 7 months) for grant of Super Time Scale after the scheme is notified.
- (c) To direct the respondents to further give consequential benefits like re-fixation of his pay & allowance from the due date, until retirement i.e. 31/08/03 and revision of his pension & pension benefits etc. effective from due date i.e. 01/09/03.
- (d) Any other relief which Hon’ble Tribunal may deem proper and just keeping in view the facts & circumstances of the case.”

3. Shri S. S. Tiwary, learned counsel for the applicant contended that it is obligatory upon the respondents to formulate the scheme as a consequence to the circular dated 27.02.1999, and confer the benefit of proposal contained in the said circular upon all the scientists under the ICAR including the applicant who has retired from service after this circular was issued in the year 1999. His further contention is that there is administrative delay in implementation of this circular and thus the applicant cannot be deprived of the benefit of that circular. In the counter affidavit filed on behalf of respondent Nos.1 & 2, i.e., ICAR, it is stated that following the 5th CPC recommendations, the pay scales of the Scientists of ICAR were revised on the pattern of revised pay scales and Career Advancement Scheme notified by the UGC/MHRD for the teachers of Universities and Colleges under UGC w.e.f. 01.01.1996. It is further stated that the Career Advancement Scheme was made effective from 22.07.1998 wherein a provision was made for further promotion of Senior Scientists to the post of Principal Scientist through direct recruitment. It is also stated in para 10.1.10 of the MHRD notification dated 24.12.1998 that Super Time Scale of Rs.22000-500-24500 is to be given to such Professors of Eminence who are directly recruited and have completed 24 years of service in accordance with the scheme to be approved by the Government of India. Accordingly, based upon the aforesaid paragraph, a notification dated 27.02.1999 was issued for grant of Super Time Scale to Principal Scientist of Eminence.

4. Consequent upon the aforesaid notification, matter was taken up with the MHRD in 1999 and the Ministry was requested for giving a copy of the guidelines, if any, finalized by the MHRD for grant of super time scale for finalizing a similar scheme for the Scientists/Teachers of ICAR/SAUs. A reference in this regard is made to Annexure-C.

5. From paras 9 to 12 of the reply, it appears that various correspondences were made between MHRD, ICAR, Ministry of Finance, UGC including State Agricultural Universities. The sum and substance of the reply is that till date no final decision has been taken, nor any guidelines formulated by the MHRD or in the UGC itself.

6. Shri Ravinder Agarwal, learned counsel appearing on behalf of UGC submits that UGC has no role to play in this matter. ICAR is an independent autonomous organisation and not under the control of UGC. However, from the correspondence, we find that UGC was definitely approached, may be as an expert body or may be that similar scheme had been adopted by UGC for the teachers of various educational institutions under it.

7. In paras 5.4 to 5.6 of the reply, the ICAR has also mentioned that the said scheme was referred to the Ministry of Finance for concurrence. However, due to financial implications, the Scheme for grant of Super Time Scale was not finalized either in UGC or MHRD, meaning thereby that no such scheme is prevalent in UGC as well. Shri Agarwal has also submitted that no such scheme is prevalent in UGCs approved education institutions.

8. Be that as it may, the ICAR has issued a circular dated 27.02.1999. It is for the competent authority in the MHRD or any other limb of the Central Government to take appropriate decision. Till date no such decision has been taken and hence claim of the applicant for grant of benefit under the said notification is not sustainable in law. From the reply, it also appears that there is no intention of the central government to take any decision on the notification dated 27.02.1999 and thus no relief can be granted to the applicant at this stage. However, if at a later

stage any decision is taken the applicant will be at liberty to approach the respondents.

9. In view of the above, the OA stands rejected. No costs.

(Nita Chowdhury)
Member (A)

(Justice Permod Kohli)
Chairman

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