

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI**

O.A. NO.3460 of 2017

This the 31st day of July, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

Mr. Amit Gupta
s/o Sh. Vinod Gupta
r/o 11/261, Awas-Vikas Colony,
Y-3, Jhusi, Allahabad
UP.

....Applicant
(By Advocate: Mrs. Rakesh Kumar Singh & Mr. Ashok Anand)

VERSUS

1. Council of Scientific and Industrial Research,
Through Director General
Anusandhan Bhawan,
Rafi Marg, New Delhi-7.
2. The Director,
CSIR-CSIO
Sector-30 C
Chandigarh, 160030

.....Respondents

(By Advocate : Shri Praveen Swarup)

O R D E R (Oral)

By filing this OA, the applicant is seeking the following
reliefs:-

- “i. Stay the effect and operation of Office Order No.CSIO/Rec/BC/2014-15 issued by the Respondent-CSIR by which refund of excess payment for Rs.48500/- has been raised; and
- ii. Pass such order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

2. Brief relevant facts of the case are that the applicant was engaged as Quick Hire Scientist under QHS Scheme

(CSIR-PRRPE-2011 vide O.M. No.CSIO/6(29)/2011-E-II dated 13.09.2011 on consolidated emoluments of Rs.25,000/- per month for a period of two years. Subsequently, CSIR vide OM dated 24.4.2014 revised the emoluments of scientist fellows appointed under Quick Hire Scheme. The stipend amount of the applicant was revised to Rs.40,000/- since April 2014. However, subsequently, for the reasons best known, the respondents have reverted his stipend amount to Rs.25,000/- after July, 2014 and vide impugned order dated 2.9.2014, the respondents have directed the applicant to refund the payment of excess payment of Rs.48500/- for revision of emoluments for the period from 24.4.2014 to 31.7.2014. The applicant made representations dated 15.3.2017 and 17.3.2017 against the action of the respondents reversing his stipend amount from Rs.40,000/- to Rs.25,000/-. However, in the meanwhile the respondents have terminated his contract on 21.4.2017.

2.1 Being aggrieved by the aforesaid order of recovery, the applicant has filed this OA seeking the reliefs as prayed for.

3. During the course of hearing, counsel for the applicant submitted that impugned reversal order dated 2.9.2014 is bad, illegal and arbitrary as discrimination between candidates, i.e., fellow of QHS Major Project and QHS (PGRPE, 2011) is artificial and without basis. Counsel further submitted that one such laboratory i.e., CRRI, New Delhi has

given enhanced emolument/stipend i.e. Rs.40,000/- to such identically placed candidates. But he is unable to provide any names or details. However, the applicant has been meted out a discriminatory treatment.

4. It is to be noted that applicant along with others have filed OA 2343/2014 and this Tribunal vide common order dated 25.5.2015 disposed of the same with the following directions:-

“10. In our opinion, there is no need to adopt a different yardstick for the applicants herein. The complaint received was only against consideration for appointment as Scientists without issue of an open advertisement, as provided under Rule 6.5 of CSRAP Rules. However, the right of the applicants to be considered for appointment cannot be denied.

10.1 In the case of applicants of OA-2343/2014, OA-2445/2014 & OA-3727/2014 the respondents had themselves given extension of tenure to them till they were considered for absorption in CSIR. There is no reason to treat the applicants herein differently. Their tenure as Trainee Scientists should also be extended accordingly.

11. We, therefore, dispose of this O.A. and quash the letter dated 19.09.2014 by which the services of the applicants have been discontinued. We further direct that the respondents shall consider the applicants for absorption in CSIR as Scientists in PB-3 with Grade Pay of Rs.6600/- in accordance with CSRAP Rules. Till such consideration is completed, their tenure as Trainee Scientists shall be extended. This will be done within a period of three months from the date of receipt of a certified copy of this order. No costs. “

5. On the other hand, counsel for the respondents submitted that applicant after having accepted the terms and conditions of the engagement, joined CSIR-CSIO as Quick

Hire Scientist in “Advanced Instrumentation Engineering Programme” w.e.f. 9.8.2011 on consolidated emoluments of Rs.25,000/- per month as admissible under the rules for a period of two years. The CSIR-CSIO had recruited 10 Quick Hire Scientists (Trainee) against CSIR-PGRPE-2011 advertisement.

5.1 Counsel further submitted that CSIR-CSIO had not issued any offer of appointment letter to selected candidates as CSIR vide its letter dated 27.12.2013 directed to keep all the appointments in abeyance till an investigation into the issue was complete.

5.2 Counsel also submitted that CSIR revised emoluments in respect of Scientist Fellows engaged under Quick Recruitment of Scientist Fellow for Major Project Scheme for CSIR vide letter dated 24.4.2014 from Rs.25,000/- to Rs.40,000/- whereas applicant was Trainee Scientist under PGRPE Scheme of AcSIR and thus the said letter was not applicable to him. As such stipend of the applicant has been reduced from Rs.40000/- to Rs.25000/- from August 2014 as the enhanced emoluments were inadvertently given to him in April 2014. As the said inadvertence giving of enhanced emoluments came to notice of the department in August 2014, the stipend was reduced in the case of the applicant. As per CSIR letter dated 24.4.2014, the revision of emoluments was made by CSIR, only for the Scientist Fellows

appointed under Quick Hire Scheme (QHS). Since the applicant was engaged under PGRPE Program, hence, the revision was not applicable in his case.

5.3 Counsel also submitted that in pursuance of the directions of this Tribunal dated 25.5.2015 passed in said OA, the CSIR CSIO vide OM No.CSIO/2/270/2009 Rectt. dated 19.6.2015 notified approval of the competent authority to the continuation of Quick Hire Scientists (Trainee) including the applicant w.e.f. 14.5.2015 till completion of their consideration as Scientists in PB-3 with Grade Pay of Rs.6600/- in accordance with CSRAP Rules. Further vide OM No.CSIO/6 (44)/13-TS-EII dated 21.4.2017, it was notified that the tenure of QHS (T)/Trainee Scientists, including that of the applicant, QHS (T) came to an end w.e.f. 21.4.2017, i.e., the date of declaration of result related to recruitment to the posts of Scientists/Sr. Scientists against advertisement No.05/2015.

5.4 Lastly counsel submitted that in view of the above factual aspect of this case, the instant OA deserves to be dismissed by this Tribunal.

6. Having heard learned counsel for the parties and carefully perusing the pleadings available on record, this Tribunal is unable to accept the contentions of the learned counsel for the applicant. Rather this Tribunal accepts the contentions of the respondents, as the respondents have

quite clearly clarified vide letter dated 12.9.2014 that enhancement of emoluments notified vide CSIR OM No.17(155)/91-98/E.II/HR-II dated 24.04.2014 in respect of Scientist Fellows (Major Projects) under QHS, is not applicable to QHS (Trainee) of PGRPE of AcSIR under QHF and admittedly the applicant was only a Quick Hire Scientist (Trainee) and not a Scientist Fellows. For the sake of clarity, the OM dated 24.4.2014 is quoted below:-

“Sub: Quick Recruitment of Scientist Fellows for Major Projects under Quick Hire Scheme- Revision of Emoluments – Regarding.

The Governing Body of CSIR in its 183rd meeting held on 29.10.2013 has approved revision of emoluments of Scientist Fellows appointed under Quick Hire Scheme of CSIR as under:-

Range	Existing Emoluments	Revised Emoluments
0	Rs.25000/-	₹40000/-
1	Rs.31000/32550/34100/35650/37200	₹48200/50600/53000/55400 57800
2.	Rs.36000/37800/39600/41400/43200	₹ 56100/58900/61700/64500 /67300
3.	Rs.56000/588800/61600/64400/67200	₹ 87600/92000/96400/100800/105200
4.	Rs.60000/63000/66000/69000/72000	₹ 93300/98000/107400/112100

The Governing Body has further approved that:-

- a) the House Rent Allowance (HRA) payable to Scientist Fellows under Quick Hire Scheme (QHS) should not exceed the amount payable to CSIR Scientists of equivalent levels and;
- b) the annual emoluments shall be effective from the date of issue of this notification.”

As such this Tribunal does not find any illegality in the impugned order as by the said order, the applicant was only directed to refund the excess payment of Rs.48500/-, which

had been paid to him by inadvertent revision of his emoluments for the period from 24.4.2014 to 31.7.2014 from Rs.25,000/- to Rs.40,000/-, which inadvertent error was rectified in August 2014 by the respondents.

7. Hence, the OA is devoid of merit and dismissed.

8. The applicant prayed for liberty that if he gives the names of some other Scientists, who are similarly placed to him and who have been getting enhanced emoluments then the respondents' consider such representation in a time bound manner. Liberty is granted to the applicant to furnish such representation with details of similarly placed persons who are getting emoluments higher than he was getting within 30 days to the respondents and the respondents are directed to pass a reasoned and speaking order within a period of 45 days from the date of receipt of such representation from the applicant.

9. The present OA is disposed of in above terms. There shall be no order as to costs.

**(Nita Chowdhury)
Member (A)**

/ravi/