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Central Administrative Tribunal. Principal Bench

Original Application No. 372 of 2003

New Delhi, this the 22nd day of April, 2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. R.K. Upadhyaya, Member (A)

1. Shri Gopi Chandra,
R/o GH 12/205,
Paschim Vihar,
New Delhi-87
2. Shri S.S. Solanki,
Director
Regional Station Forage Production
and Demonstration, Palaji,
Gandhinagar,
Gujarat

....Applicants

(By Advocate: Shri V.K. Rao)

Versus

1. Secretary, Govt. of India,
Ministry of Agriculture,
Dept. of Animal Husbandry & Dairying,
Krishi Bhawan,
New Delhi-1
2. Director, Animal Husbandry,
Dept. of Animal Husbandry & Dairying,
Krishi Bhawan,
New Delhi-1

....Respondents

(By Advocate: Shri Ashwani Bhardwaj, proxy for Shri
Bhaskar Bhardwaj)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicants, two in number, by virtue of the present application seek quashing of the order of 27.3.2002 passed by respondent no.1 and further a direction to be issued that the post of Director, Regional Station for Forage Production and Demonstration (for short 'Director') be upgraded to the scale of Rs.3700-5000. The impugned order reads:

"Subject:- Upgradation of the pay-scale of the Directors of Regional Station for Forage Production and

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Demonstration (RSFP&D) - Reg.

Sir,

I am directed to say that the proposal for upgradation of pay scale of the posts of Directors, RSFP&Ds from Rs.10,000-15,000 to Rs.12,000-16,500 has been considered in this Ministry in consultation with Ministry of Finance. It has been decided that the upgradation of pay scale of Directors RSFP&Ds would only be considered after constitution of Central Agricultural Service and post of Director is encadred in said service."

2. The same is being assailed primarily on the grounds -

- (a) because the recommendations of the Pay Commission are specific in this regard that the scale of pay of Director should be upgraded as prayed by the applicants and consequently they are entitled to the scale of Rs.3000-5000 before encadering in the Central Agriculture Service; and
- (b) the respondents are patently in error in not acceding to the request of the applicants primarily on the ground that it could be considered after the constitution of Central Agriculture Service because according to the applicants, decision has already been taken that Service cannot be constituted and, therefore, the applicants' pay scales, as prayed above, should be revised.

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3. Needless to state that the application is being contested.

4. In the facts of the present case, both the pleas can conveniently be taken together.

5. It is not in dispute that this question about revision of the pay scales of the post of Director had been recommended on consideration by the 5th Central Pay Commission. Paragraph 56.106 deals with the same. It reads:

"56.106 The Regional Stations for Forage Production and Demonstration are headed at each centre by a Director in the pay scale of Rs.3000-5000/-. The Stations together have a staff strength of 210, comprising technical and ministerial staff as follows:

POST	TECHNICAL	MINISTERIAL	TOTAL
Group A	14	-	14
Group B	10	-	10
Group C	10	77	87
Group D	-	99	99

56.107 The Sr. Technical Assistants (STA), Fodder Agronomists and Director have demanded in the Memoranda received by us, upgradation from their existing pay-scales. STAs are direct recruits with minimum qualifications of B.Sc. (Agriculture) with 5 years experience and most of them have been recruited with Masters Degree in Agriculture. They have argued that their present pay scale of Rs.1640-2900 is not compatible with their qualifications of comparable with similar posts in other Central Government Ministries/Departments. In view of their qualifications and nature of duties we consider their present scale as adequate. However, we recommend that they may be given 2 dynamic Assured Career Progression to the scale of pay of Rs.2000-3500 and Rs.2500-4000 respectively. The next higher posts are Fodder Agronomist (Rs.2200-4000) and Director (Rs.3000-5000). Elsewhere in this Chapter we have proposed the constitution of a Central Agriculture Service. All the posts of Director and Fodder Agronomist in each Centre

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should be included in the proposed Service. We also recommend that the scale of pay of Director may be upgraded to Rs.3700-5000, consequent on the realisation of the scale of Rs.3000-5000 before encadering in the Central Agriculture Service."

6. The reply of the respondents further indicated that so far as creation of Central Agriculture Service is concerned, as for the present, it has not been found feasible by the Ministry of Agriculture, Department of Agriculture & Cooperation. In other words, once the service is not being constituted, the applicants' claim that at least their scales should be revised.

7. Even on that count, the reply indicates that the recommendations of the Pay Commission in this regard have not been accepted.

8. The settled principle in law is that recommendations of the Pay Commission are not binding. The department/Government is competent to take its administrative decision keeping in view the facts and circumstances of the case. It is basically an administrative decision in this regard. Once the decision is being taken not to accept the recommendations of the 5th Pay Commission and it is not a case of hostile discrimination, we find precious little for this Tribunal to interfere.

9. Resultantly, the O.A. being without merit must fail and is dismissed.

(R.K. Upadhyaya)
(R.K. Upadhyaya)
Member (A)

(V.S. Aggarwal)
(V.S. Aggarwal)
Chairman