

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 2627/2014

New Delhi, this the 12th day of December, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**



1. Shri Pitamber,
Deputy Secretary,
ICAR, Krishi Bhavan,
New Delhi.
2. Shri Rajiv Mangotra,
Deputy Secretary ICAR,
Krishi Anusandhan Bhavan I,
New Delhi.
3. Shri Sakthivel,
Deputy Secretary,
ICAR, Krishi Bhavan,
New Delhi.
4. Shri K.N. Choudhary,
Deputy Secretary,
ICAR, Krishi Bhavan,
New Delhi.
5. Shri V.D. Naniwadekar,
Dy. Secretary,
ICAR, Krishi Bhawan,
New Delhi.
6. Smt. Roja Sethumadhavan,
Dy. Secretary, ICAR,
Krishi Anusandhan Bhawan-I,
New Delhi.

7. Shri V.K. Sharma,
Deputy Secretary,
Krishi Anusandhan Bhavan II,
New Delhi.

(All employees of the Indian Council of Agricultural Research (ICAR), Krishi Bhawan, New Delhi-110001 through their Deputy Secretary (Admin), ICAR, Room No.205-A, Krishi Bhawan, New Delhi-110001.



(By Advocate : Shri M.K. Bhardwaj)

.. Applicants

Versus

1. Union of India through Secretary, Department of Agricultural Research and Education (DARE), Krishi Bhawan, Dr. Rajinder Prasad Road, New Delhi-110001.
2. Indian Council of Agricultural Research (ICAR), Through Director General, Krishi Bhawan, Dr. Rajinder Prasad Road, New Delhi-110001.
3. Department of Agricultural Research and Education (DARE) Through Additional Secretary, Krishi Bhawan, Dr. Rajinder Prasad Road, New Delhi-110001.
4. Indian Council of Agricultural Research (ICAR). Through Secretary, Krishi Bhawan, Dr. Rajinder Prasad Road, New Delhi-110001.
5. Department of Expenditure, Through Secretary, Ministry of Finance,

North Block,
New Delhi-110 001.

6. Department of Personnel & Training (DOP&T),
Through Secretary,
Ministry of Personnel, Public Grievances &
Pensions, North Block,
New Delhi-110 001.

.. Respondents

(By Advocate : Shri S.K. Gupta with Shri Vikram Singh)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicants were working as Deputy Secretaries (DSs) in the Indian Council of Agricultural Research (ICAR). The VI Central Pay Commission (CPC) made a recommendation for revision of pay structure in several aspects to various categories of employees. Apart from the pay scale, a suggestion was also made for grant of two increments, when an Under Secretary (US) in the Central Secretariat Services (CSS) is promoted. Apart from that, it has also suggested some typical measures for certain technical employees in the context of promotion from US to DS in the CSS and other allied organisations. A representation was made by the applicants for grant of two

increments to maintain a balance between the grade pay of USs, on the one hand, and the DSs, on the other hand.



2. The applicants contend that there existed historical parity between the pay structure of the CSS, on the one hand, and the ICAR, on the other hand. According to them, the pay scale of the DS was made on par with the DS in the CSS; and when they made a representation on 05.02.2014 and some other dates, the same was rejected through an Office Memorandum (OM) dated 26.02.2014. This O.A. is filed challenging the said OM, with a direction to the respondents to extend the benefit of two increments. Reference is made to the OM dated 10.03.2010, issued by the Department of Personnel & Training (DoPT).

3. Respondents filed a counter affidavit opposing the O.A. It is stated that the ICAR is an autonomous body and it is only when it takes a decision for adopting any recommendation of the CPC, that it become extendable to their employees. It is also stated that the request made by the applicants was considered at the appropriate level and it was decided not to accede to that request.

4. We heard Shri M.K. Bhardwaj, learned counsel for the applicants and Shri S.K. Gupta, learned counsel for the respondents.



5. The basis for the claim made by the applicants is the OM dated 10.03.2010. Through the said OM, the DoPT indicated the method of fixation of pay for the post of US/PPS on their promotion to the post of DS in the CSS and Central Secretariat Stenographers' Services (CSSS), as the case may be. The method is indicated as under:

"At the time of their promotions from the grade of Under Secretary/PPS to the grade of Deputy Secretary/Senior PPS, the pay of the officers of CSS/CSSS may be fixed as per the procedure laid down vide Rule 13 of CCS (RP) Rules, 2008 by granting an amount equal to two increments, i.e. by granting two increments equal to 6% of their basic pay. To the figure so arrived at, a sum of Rs.1000 i.e. the difference between the grade pay of Under Secretary (Rs.6600) and Deputy Secretary (Rs.7600) may be added."

6. A perusal of the OM discloses that it is a procedure stipulated exclusively for the CSS/CSSS and not for allied organisations. Though the applicants stated that there existed historical parity between the CSS/CSSS, on the

one hand, and the ICAR, on the other hand, we do not find any acceptable material in this behalf.



7. It is true that in the Bye-laws of the ICAR, there existed a provision for extension of the same benefits, on par with the employees of the Central Govt. However, the adoption of such measures is on the basis of the decision taken by the Administration of the ICAR and that, in turn, is subject to acceptance by the Ministry of Finance. Never, the decisions taken for the benefit of CSS are made applicable to the employees of the ICAR, straightforwardly. In the O.A. itself, the applicants have filed several proceedings, through which the ICAR has examined the issues and made recommendations to the Ministry of Finance for extension of benefit. For example, in the year 2008, the ICAR constituted a group of Officers for adoption of certain measures and, thereafter, made recommendation to the Ministry of Finance. It is on acceptance of the proposal, that a decision was taken to extend the benefit.

8. OM dated 07.11.2008 reads as under:

“Subject : Implementation of Sixth Central Pay Commission’s recommendations for the Assistant / Personal Assistant and Section Officer / Private Secretary in Indian Council of Agricultural Research Hqrs.



The undersigned is directed to state that in pursuance of Ministry of Finance, Department of Expenditure's O.M. No.7/23/228-E.III (A) dated 7.10.2008, the applicability of Part B of the First Schedule to the CCS (Revised Pay) Rules, 2008 in ICAR was examined by a Group of Officers constituted vide Council's O.O. No. 7(28)/2008-Estt.I dated 3.10.2008. The recommendations of the Group of Officers was accordingly referred to the Ministry of Finance for soliciting their approval. In this regard, the Ministry of Finance vide their U.O. no. 7.1/1/2008-IC dated 30.10.2008 has approved that the pay structure for Assistants and Section Officers in the Central Secretariat may be extended to the Assistants / Personal Assistants and Section Officers / Private Secretaries in Indian Council of Agricultural Research Hqrs. as follows:

Post	Pre-revised pay scale	Corresponding revised pay band and grade pay
Assistant / Personal Assistant	Rs.6500-10500*	PB-2 of Rs.9300-34800 along with grade pay of Rs.4200
Section Officer/ Private Secretary	Rs.7500-12000 Rs.8000-13500 (on completion of four years)	PB-2 of Rs.9300-34800 along with grade pay of Rs.4800 PB-3 of Rs.15600-39100 along with grade pay of Rs.5400 (on completion of four years)

This only shows that the contention of the applicants that the measures taken for the benefit of CSS employees are

automatically applicable to the employees of the ICAR, is not correct.

9. Acting on the representation made by the applicants, the Administration of the ICAR examined the issue and has taken a decision not to accept the same.



10. It is fairly well settled that in the matters pertaining to the fixation of pay, the Tribunals and Courts cannot substitute their view for those, taken by the Administration. It is only when the decision taken by the Administration found to be in violation of the specific provisions of law, that interference can be expected.

11. We do not find any merit in the O.A. and, accordingly, the same is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/