

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 449 of 2010

(Arising out of order dated 10.11.2009 passed by the learned Single Judge in W.P. No. 254 of 2002 and other connected matters)

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. A.K. Singh (Asso. Professor) S/o Shri A.L. Singh, Deptt. of Statistics College of Dairy Tech. Raipur (C.G.) Residential Address : 15, Professor's Colony, Krishak Nagar, Raipur (C.G.)
2. The Vice Chancellor, Indira Gandhi Krishi Vishwavidyalaya, Krishi Nagar, Raipur (C.G.)
3. State of Chhattisgarh through the Secretary, Department of Agriculture, D.K.S. Bhawan, Mantrayala, Raipur (C.G.)

---- Respondents

WA No. 74 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Prashant Dubey S/o Shri Atal Bihari Dubey Aged About 49 Years Principal, Investigator Pdc, Indira Gandhi Krishi Vishwavidyalaya Krishak Nagar, Raipur, C.G., Resident At House No. C-10, Ravi Nagar, Behind Collectorate, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State of Chhattisgarh, Through Secretary, Department of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 75 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. B.C.Jain Assistant Professor S/o Shri P.C. Jain Aged About 43 Years R/o 20 Mahavir Nagar, Post - Ravigram, Raipur Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents**WA No. 76 of 2015**

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants**Versus**

1. Dr. A.K. Geda Senior Scientist S/o Shri B.L. Geda, Aged About 49 Years Deptt. Of Plant Breeding Igau, Raipur C.G. R/o F-2/21, Avanti Vihar Ravigram, Raipur Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents**WA No. 77 of 2015**

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants**Versus**

1. Dr.S.K.Sarawagi Associate Professor S/o Late Shri Govind Das Sarawagi, Aged About 42 Years Deptt. Of Agronomy College Of Raipur C.G. R/o 13, New Talak Nagar, Avanti Vihar, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh

4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 78 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. N.K. Choubey Senior Scientist S/o Shri T.L.Choubey Aged About 42 Years Deptt. Of Agronomy, Igau, Raipur, C.G., Residential Address G/38, Krishak Nagar Colony, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 79 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. R.N. Ganguli Assoc. Professor S/o Shri B.B. Ganguli, Aged About 40 Years Deptt. Of Entomology, Igkv, Raipur R/o Gangotri Industries Shanker Nagar, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 80 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. M.L. Lakhera Senior Scientist S/o Shri Ram Prasad Lakera, Aged About 41 Years R/o G/10 Krishak Nagar, I.G.K.V. Campus Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 81 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. H.K. Vardia Asso. Professor S/o Shri M.S. Vardia Aged About 45 Years Deptt. Of Fisheries, Igau Raipur C.G. R/o G -36, Krishak Nagar, Raipur Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 82 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. Shyam Bihari Gupta S/o Indira Gandhi Krishi Vishwavidyalaya, Raipur C.G., R/o G/22, Agriculture College Colony, Krishak Nagar, Raipur, Chhattisgarh

2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 83 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. Vidyanand Mishra Senior Scientist S/o Shri Ram Narayan Mishra Aged About 44 Years R/o H/3, Satya Prem Vihar, Mahadeo Ghat Road, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 84 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. P.K. Jaiswal Senior Scientist S/o Late D.P.Jaiswal Aged About 42 Years Department Of Agril Extension College Of Agriculture And Research Station Ambikapur, C.G., Residence 45 Bhagat Singh Ward Joda Pippal, Ambikapur, District Surguja, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 85 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants**Versus**

1. Dr.K.K.Sahu S/o Late Shri L.P. Sahu Aged About 42 Years Deptt. Of Lwm., Igau, Raipur C.G. R/o G/32, Krishak Nagar, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents**WA No. 86 of 2015**

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants**Versus**

1. Dr. M.S. Chari Asso. Professor S/o Dr. M.S. Swami Aged About 48 Years Directorate Of Research, Igkv., Raipur C.G. R/o R -17, Avanti Vihar, Ravi Gram, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents**WA No. 87 of 2015**

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr.Smt.G.Chandrakar Asso. Professor W/o Shri R.K.Chandrakar, Aged About 43 Years Deptt. Of Statistics, Igau, Raipur, C.G., Residential Address 4g-21, Mphb Colony, Katora Talab, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents**WA No. 88 of 2015**

- Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
- Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants**Versus**

1. K.K.Shrivastava Associate Professor And Ors. S/o Late I.B.L. Shrivastava Aged About 45 Years R/o At Quarter No. G/34, Krishak Nagar, I.G.A.U. Campus, Raipur Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents**WA No. 89 of 2015**

- Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
- Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants**Versus**

1. Dr. Smt. S.R. Gaur Asso. Professor And Ors. S/o W/o Late Dr. A.S. Gaur, Aged About 42 Years Deptt. Of Fisheries, Igau, Raipur C.G. R/o 31, Aarohan Vinayak Enclave, Anand Nagar, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh

3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 90 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr.V.K.Dubey Assoc.Professor S/o Shri S.P. Dubey Aged About 41 Years Deptt. Of Entomology Igau, Raipur, C.G. Residentila Address Mahamai Para Gajraj Chowk, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 91 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. R.K. Bajpai Senior Scientist S/o Dr. S.S. Bajpai Aged About 41 Years Deptt. Of Soil Science, Igau, Raipur C.G. R/o Mig -6, Sc -2, Shanker Nagar, Raipur Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 92 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. A.K. Kosta Asstt. Professor S/o Late Shri P.N. Kosta Aged About 43 Years Deptt. Of Agril And Natural Res. Econ. Igau, Raipur C.G. Residential Address Near Sai Mandir Krishak Nagar, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 93 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. P.K.Chandrakar Senior Scientist S/o Shri H.L. Chandrakar Aged About 41 Years Deptt. Of Pi. Breed. Igkv, Raipur, R/o Professor Colony, Krishak Nagar, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 94 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. K.K. Choudhary Senior Scientist S/o Shri Y.R. Choudhary, College Of Dairy Technique, Raipur C.G. R/o G/7, Krishak Nagar, Igau, Raipur, Chhattisgarh

2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 95 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Mahesh Chandra Bhambri Scientist S/o Shri M.L. Bhambri, Aged About 42 Years Department Of Agronomy I.G.K.V.V., Raipur Chhattisgarh R/o F /11, Sector 2, Avanti Vihar Colony, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 96 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. Narendra Pandey Senior Scientist S/o Shri Ram Das Pandey Aged About 46 Years Department Of Agronomy, College Of Agriculture, I.G. K.V. Raipur C.G. R/o Gali No. 2, Shyam Nagar, P.O. Ravigram, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh

4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 97 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. K.K. Purohit Assistant Professor S/o Late Shri R.L. Purohit Aged About 53 Years Deptt. Of Agronomy Igau, Raipur C.G. R/o 26 Professor Colony, Krishak Nagar, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 98 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. M.K. Singh S/o Mahatam Singh Aged About 44 Years House No. 888, Near Sanjay Park Ambikapur, Associate Professor, College Of Agriculture Ambikapur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 99 of 2015

- Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

- Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. Gopi Krishna Das Asso. Professor S/o Shri Narayana Das Vishnava, Aged About 39 Years Deptt. Of Agronomy, Igau, Raipur R/o Shyam Nagar, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 100 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. Y.K. Yadu Senior Scientist S/o Late Shri R.D. Yadu Aged About 40 Years Deptt. Of Entomology, Igkv, Raipur C.G. R/o Near Viveknand School, Kailashpuri, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 101 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. A.K.Agrawal Assoc.Professor S/o Shri K.N. Agrawal Aged About 42 Years Deptt. Of College Of Dairy Technique Igkv, Raipur C.G. R/o G /43, Krishak Nagar, Raipur, Chhattisgarh

2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 102 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. S. Patel Associate Professor S/o Shri M.S. Patel Aged About 43 Years R/o G -41, Krishak Nagar, Raipur, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 103 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants

Versus

1. Dr. Anari Lal Rathore Assoc. Professor S/o Shri Dalchand Rathore Aged About 41 Years Deptt. Of Land And Water Management Igkv, Raipur C.G. R/o Bhawana Nagar, Khamardih, Shanker Nagar, Raipur Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 104 of 2015

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants**Versus**

1. Dr. R.O. Das Senior Scientist S/o Late W.M. Das Aged About 44 Years R/o MIG III/ 20 Mahaveer Ngar, P.O. Ravigram, Raipur Chhattisgarh, Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents**WA No. 105 of 2015**

1. Indian Council of Agricultural Research, through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi
2. Union of India, Through Secretary Ministry of Agriculture Krishi Bhawan Dr. Rajendra Prasad Road, New Delhi

---- Appellants**Versus**

1. Dr.A.K.Sarawagi Senior Scientist S/o Late Shri Ramkrishan Sarawagi, Aged About 42 Years Deptt. Of Pl. Breeding Igau, Raipur C.G. R/o Sector -2, 517 Avanti Vihar, Telibandha Raipur Chhattisgarh
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur District : Raipur, Chhattisgarh
3. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, District : Raipur, Chhattisgarh
4. State Of Chhattisgarh, Through Secretary, Department Of Agriculture, Raipur, District : Raipur, Chhattisgarh

---- Respondents

For Appellants	: Shri H.B. Agrawal, Senior Advocate with Smt. Prabha Sharma, Advocate
For Private Respondents	: Shri Vinay Pandey, Advocate
For Respondents No.2&3	: Shri Shashank Thaiur, Advocate
For Respondent No.4/State	: Shri S.C. Verma, Advocate General with Shri Avinash Singh, Panel Lawyer

**Hon'ble Shri P. R. Ramachandra Menon, Chief Justice &
Hon'ble Shri Parth Prateem Sahu, Judge**

Judgment on Board

P. R. Ramachandra Menon, Chief Justice

01.08.2019

1. The appellants (ICAR- Indian Council of Agricultural Research and the Union of India) challenge the correctness of the verdict passed by the learned Single Judge in setting aside Annexure P/9 Circular dated 06.12.2000 and directing to grant all benefits of the 'Career Advancement Scheme' brought about, pursuant to acceptance of the recommendation of the 5th Central Pay Commission, to the Writ Petitioners w.e.f. 01.01.1996 as mentioned in Annexure P/8 dated 19.07.2000, instead of restricting it to be effective from 27.07.1998 as mentioned in Annexure P/9. Writ Appeal No.449 of 2010 (arising from Writ Petition No. 254 of 2002) is taken up as the lead case.

2. The private respondents herein were working as teaching faculties in the respondent- Universities and while so, a Career Advancement Scheme (for short, 'CAS') was introduced by the appellant- ICAR taking into consideration of various aspects involved. In fact, the Writ Petitioners were enjoying the benefit of the 4th Pay Commission and thereafter, recommendation of the 5th Pay Commission came to be accepted by the Government of India and the same was decided to be extended to State Agricultural Universities through the appellants herein. The appellants issued a Circular dated 19.07.2000, a copy of which has been produced

as Annexure P/8 in Writ Petition No. 254 of 2002 (forming the subject matter of WA No. 449 of 2010); for the revision of Pay scales, also forwarding a copy of the revised CAS, to be effective from 01.01.1996. But, the Government of India ordered to extend the benefit of the 'CAS' to the eligible hands in the Agricultural Universities / Colleges only on 27.07.1998, a copy of which order has been produced as Annexure P/1 in the said Writ Petition.

3. On coming to note that the Central Government had ordered extension of the benefit of CAS to the Agricultural Universities and Colleges, following the revision of pay scales of Central Government employees, on the recommendation of the 5th Pay Commission, only prospectively from the date of the order; i.e., from 27.07.1998, the Appellant-ICAR issued Annexure P/9 Circular dated 06.12.2000 to all concerned, making it clear that the effective date of CAS intimated already as per Annexure P/8 dated 19.07.2000 will stand modified to be w.e.f. 27.07.1998 and not from 01.01.1996. The private respondents herein came to be aggrieved of the modification intimated by the ICAR, who approached this Court by filing Writ Petitions challenging the said Circular.

4. Taking note of the nature of contentions, an interim stay was granted by a learned Single Judge of this Court as to the recovery sought to be made by the ICAR based on Annexure P/9 Circular dated 06.12.2000. After completion of the pleadings, the matter was heard elaborately by the learned Single Judge, who noted that the course of action pursued by the ICAR to change of effective date of implementation

of CAS from 01.01.1996 to 27.09.1998, as per Annexure P/9 dated 06.12.2000 was not correct or proper. It was accordingly that Annexure P/9 Circular dated 06.12.2000 was set aside, holding that the Writ Petitioners who were granted benefits pursuant to the earlier Circular (Annexure P/9 dated 19.07.2000) shall not be disturbed and the date of implementation of CAS w.e.f. 01.01.1996 will remain unchanged. The said verdict is challenged in these appeals preferred by the Appellants.

5. The learned Senior counsel for the Appellant-ICAR submits that the action pursued by the Appellant-ICAR in effecting the date of application of CAS to be w.e.f.27.07.1998 as per Annexure P/9 Circular 06.12.2000 was in conformity with the date of sanction given by the Government. It is stated that the ICAR was not in a position to take any decision of its own, as 80% of the cost to be met by the ICAR was to come from the Central Government and only the remaining 20% was to be satisfied by the State Government, for the relevant period, as mentioned in the Scheme. We find it appropriate to extract both the Circulars ie Annexure P/8 dated 19.07.2000 and Annexure P/9 dated 06.12.2000 to understand the nature and scope and hence they are reproduced below :

Annexure P/8 to the Writ Petition 254 of 2002

“INDIAN COUNCIL OF AGRICULTURAL RESEARCH

Krishi Bhawan, Dr Rajendra Prasad Road,
New Delhi-110001

(Mono)

Telephone:3388762

Telegram:AGRISEC

Telex:031-62249 ICAR IN

Fax: 91-11-3383762

F.No.21(10)/99-Per.IV

Dated the 19th July, 2000

To

The Chief Secretaries of all the States

Sub: Revision of pay scales of teachers in Agricultural Universities and colleges following the revision of pay scales of Central Government employees on the recommendations of Fifth Central Pay Commission.

Sir,

In continuation of the Council's letter number 1-15/98-Per IV dated 3rd March, 1999 on the subject mentioned above, I am directed to say that as envisaged in the above referred notification that for every upward movement a selection process would be evolved for which appropriate guidelines would be laid down by the ICAR, comprehensive guidelines for Career Advancement Scheme for the teachers working in SAUs and CAU. Imphal have now been evolved by the ICAR WITH THE APPROVAL OF Competent Authority. A copy of the revised Career Advancement Scheme for the Teachers in the State Agricultural Universities and Colleges effective from 1.1.96 is accordingly sent herewith for information and necessary action.

Copies of the poformae developed by the ICAR for furnishing information for promotion under revised Career Advancement Scheme by the Scientists are also enclosed herewith for information/guidance. The SAUs may develop similar poformae for its teachers.

The revised Career Advancement Scheme may be circulated amongst the teachers of the Agricultural Universities and necessary follow up action may also be taken in the matter.

Yours faithfully,

Sd/-
(G Prasad)
Director (P)

Copy to :-

1. Vice-Chancellor/Registrars of all SAUs/CAU Imphal for information & necessary action
2. FA, DARE
3. Secretary, ICAR
4. DDG(Edn)/DS(Edn)
5. All Officers in ICAR/KAB

Sd/-
Director (P)"

Annexure P/9 to the Writ Petition- 254 of 2002

“INDIAN COUNCIL OF AGRICULTURAL RESEARCH

Karachi Bhawan, Dr Rajendra Prasad Road,
New Delhi

(Mono)

Telephone: 3382686
Telegram: AGRISEC
Telex: 031-62249 ICAR IN
Fax: 91-11-3383762

F.No.21(10)/99-Per.IV

Dated the 6th Dec, 2000

To

The Directors/Project Directors/NRCs/Bureaux of ICAR
Chief Secretaries of all the states

**Sub: Formulation of revised Career Advancement Scheme-
clarification regarding**

Sir,

Attention is invited to the Council's circular of even number dated 19th July, 2000 vide which comprehensive guidelines for the revised Career Advancement Scheme for the scientists of ICAR and teachers of the State Agricultural Universities (SAUs) were circulated by the Council. It was indicated therein that the revised Career Advancement Scheme is effective from 1.1.96. It has now been decided that the effective date of Career Advancement Scheme should be 27.7.98 and not 1.1.96. The Career Advancement Scheme issued vide circular dated 19th July, 2000 accordingly stands modified to the extent of its effective date which will be 27.7.98 and not 1.1.96.

Necessary action to implement the revised Career Advancement Scheme w.e.f. 27.7.98 may be taken accordingly.

Yours faithfully,

Sd/-
(Sodhi Singh)
Under Secretary (P)

Copy to :-

1. Vice-Chancellors of SAUs/CAU Imphal
2. Secretary, ASRB for information & necessary action
3. All Offices/Sections of ICAR Hqrs/KAB/NATP
4. President, ARSS Forum, IARI

CRIDA:HYD:500059

Endt.No:1-7(2)/2000-Estt dt:11 Dec.2000

Copy forwarded to all the Heads with a request to bring the contents of Council's letter to the notice of all Scientists working under them.

- 1) Heads of Divisions/Sections
- 2) Project Coordinators (Agro-met)/(DLA)
- 3) All Officers-in-Charge
- 4) Head RCMU

Sd/-
Sr Admn Officer

c.c. PA to Director for kind information of the Director"

6. There is no dispute on the facts as noted by learned Single Judge in para-2 of the judgment. The Central Government accepted the recommendations of the 5th Pay Commission and the same was decided to be extended to the State Agricultural Universities through the ICAR and it was accordingly that Annexure P/8 Circular was issued by the ICAR on 19.07.2000, showing the date of implementation of the CAS w.e.f. 01.01.1996. This came to be modified as per Annexure P/9 Circular issued by the ICAR clarifying that the date of implementation of the CAS would be w.e.f. 27.07.1998 (ie the date on which the order was passed by the Ministry) and not from 01.01.1996. In other words, the basis for both the Circulars was the sanction given by the Central Government.

7. It may be true that ICAR was under the wrong impression that the CAS was also sanctioned by the Central Government w.e.f. 01.01.1996

(the date w.e.f. the pay revision benefit was granted) and had issued Annexure P/8 Circular dated 19.07.2000, mentioning the effective date as 01.01.1996. But on realizing that the sanction given by the Ministry was only vide Annexure P/1 proceedings dated 27.07.1998, the mistake contained in Annexure P/8 was sought to be corrected immediately and issued Annexure P/9 Circular dated 06.12.2000. The scope of the said Circular is also specifically mentioned under the heading 'subject'; i.e. as to the 'clarification' necessitated. This being the position, the mistake committed by the ICAR came to be corrected without much delay and under such circumstances, nobody was to be let to draw any premium because of such mistake, as mistake is always a mistake, which can't be perpetuated.

8. However, when the matter came up for consideration before this Court on 19.07.2019, a doubt arose as to how and on what basis did the ICAR issue the Annexure P/9 Circular dated 06.12.2000, making the CAS effective only from 27.07.1998. It was accordingly, that the following order was passed on 19.07.2019:

“Heard Shri H.B. Agrawal, Senior Counsel with Smt Prabha Sharma for the Indian Council of Agricultural Research (referred to as 'ICAR')/ appellant; Shri Vinay Pandey, counsel for respondent- 1; Shri Shashank Thakur, counsel for respondents- 2 and 3; and Shri Avinash Singh, Panel Lawyer for the State/ respondent- 4.

The sum and substance of the case of the appellant is that the date of effect mentioned in Annexure P/8, Circular dated 19.07.2000 issued by the ICAR as '01.01.1996' for granting the benefits of 'Career Advancement Scheme' (referred to as 'CAS') was only a mistake, as the sanction of the Ministry to have the benefits extended, pursuant to acceptance of the 5th Pay Commission's recommendations in the case of the Agricultural Universities (Central and State) was issued only on 27.07.1998. It was accordingly,

that a Corrigendum Circular was issued on 06.12.2000 as borne by Annexure P/9. The said Circular dated 06.12.2000 came to be interdicted by the learned Single Judge for the reasons stated in the judgment, holding that the Writ Petitioners were entitled to get the benefit of CAS w.e.f. 01.01.1996, which forms the subject matter of the challenge in these appeals. It is the case of the appellants that the Central Government, being the sole financing source for the ICAR, who has to meet 80% of the cost, while the remaining 20% is to be satisfied by the State Government for implementation of the programme, it cannot go beyond orders/terms of the scheme framed and implemented by the Central Government.

It is stated in the Memorandum of Appeal that the change brought about was in conformity with the orders issued by the Government and taken as a matter of Policy, to be applicable throughout India and that there cannot be any exception in the case of the Writ Petitioners alone. Learned Senior Counsel submits that the power and the basis for having issued Annexure P/9 is from Annexure P/1 proceedings of the Ministry of Human Resource Development dated 27.07.1998. But on going through the aspects mentioned under the head CAS (SI No.iii), we do not find anything as to the date of applicability of the said scheme, to be made effective only from 27.07.1998, though in the Pay and Allowances as mentioned in Annexure P/1 it is stated that it would be applicable prospectively i.e. with effect from the date of issuance of the said proceeding.

Coming to a subsequent proceeding issued by the Ministry, letter/Circular dated 03.03.1999 (Annexure P/4 to WP-254 of 2002), the Pay Revision Benefits in respect of the instances mentioned therein are stated to be effective from 01.01.1996, whereas the Allowances payable would be w.e.f., a subsequent date in 1997.

In both the above proceedings, nothing is mentioned that the 'CAS' shall have effect only from 27.07.1998. On the other hand, a copy of the said scheme attached along with Annexure P/1 and forwarded to all the Chief Secretaries of the State clearly says that the said scheme shall be operative w.e.f. 01.01.1996.

When the learned Senior Counsel for the ICAR is required to reconcile with the position and to substantiate the basis for having issued Annexure P/9 Circular dated 06.12.2000 making 'CAS' effective only w.e.f. 27.07.1998, the learned Senior Counsel seeks for time to get instructions and to make appropriate submissions. Time is also sought for, to ascertain whether the ICAR has caused to implement the 'CAS' in respect of similar Universities situated in other States in India uniformly from 27.07.1998, based on the said decision.

List the case along with connected matters for further consideration in the week commencing 29th July, 2019.”

9. Today, when the matter is taken up for consideration, Mr. Agrawal, the learned Senior Counsel appearing for the Appellants submits that the corrective measure was by the ICAR by issuing Annexure P/9 dated 06.12.2000, based on the specific instruction/clarification issued by the Ministry of Human Resource Development (who had issued Annexure P/1 and P/2, granting the benefit of implementation of the 5th Pay Commission's recommendations), as per the proceedings bearing No. F-1-22/97-U.I. dated 24.03.1999. A copy of the said proceeding has been produced along with memo dated 29.07.2019 in this writ appeal, after serving copy to the parties concerned.

10. As mentioned already, even though the 'CAS' was specifically mentioned under heading (iii) of Annexure P/1 dated 27.07.1998 issued by the Ministry of HRD, nothing was mentioned therein with regard to the date of implementation of the 'CAS', though the revised pay and allowances, separately dealt with under the heading (v), were decided to be given with effect from 01.01.1996. That apart, Clause 4 under the heading (viii) “Other terms & conditions of service of teachers” in Annexure P/1 specifically mentions that the said orders are subject to the conditions as contained in para 4 of the Ministry of Finance O.M. No. 7 (34)/E.III-A/97 dated 02.12.1997 on pay revision of employees of quasi-Government/ autonomous organisations, statutory bodies, etc., set up and funded by the Central Government.

11. The memo dated 29.07.2019 produced before this Court also refers to the order dated 29.08.2000 issued by the Ministry of Finance, with regard to the application of the scheme to the ICAR Scientists, specifically making clear that it shall be w.e.f. 27.07.1998 as in the case of UGC teachers. For convenience of reference, we find it appropriate to extract the said condition/ clarification issued by the Ministry of Finance in toto :

“Ministry of Finance
Department of Expenditure
E-III (A) Branch

D/o. Agricultural Research and Education ICAR may please refer to this Department's I.D. Note No. 7 (94)/E-III(A)/99 dt. 11.07.2000 regarding adoption of Career Advancement Scheme for the Scientist of ICAR on UGC pattern. In para (v) of this note, it was inter-alia indicated that the eligibility date for adoption of the Scheme is being based on the pattern approved for UGC. It has subsequently come to notice that in the case of UGC teachers the CA Scheme was made applicable from 27.7.1998 and not from 1.1.96 and that copy of the Ministry of HRD O.M. dated 24.3.1999 notifying this to UGC was also sent to ICAR. It has, therefore, been decided that the application of the Scheme to ICAR Scientists will be with effect from 27.7.98 as in the case of UGC teachers.

Necessary action may be taken for changing the date of extending the scheme accordingly with effect from 27.7.98 in ICAR.

This issues with the approval of Secretary (E)

Sd/-
(Usha Mathur)
Jt. Secretary (Personnel)”

12. Coming to Annexure P/4 dated 03.03.1999 produced by the Petitioners, it is a communication issued by the Ministry of Agriculture to the Chief Secretaries of all the States as to Revision of pay scales of teachers in Agricultural Universities and colleges following the revision of pay scales of Central Government employees on the recommendation of the Fifth Central Pay Commission. This also refers to the 'Career

Advancement' under heading (iii), besides the pay and allowances payable under the head (v). When it is stated that the pay and allowance will be given w.e.f. 01.01.1996, the date of effect in respect of the 'Career Advancement' is not mentioned therein. Obviously, this would have generated some doubts in the minds of the beneficiaries or the authorities who were to implement the same, which led to the clarification sought for from the Ministry of HRD, who had issued the Annexures-P/1 and P/2. These queries were considered by the said Ministry and it has been replied as per the proceedings bearing No.F-1-22/97-U.I. dated 24.03.1999, specifically answering the applicability of the 'CAS' under point No. 8. The query raised and the answer given are extracted below, for easy reference:

“8 Whether the promotion on completion of requisite number of years which has been reduced now will be from a retrospective date.	Only the revised pay scales are effective from a retrospective date i.e. 1st January, 1996. Other benefits are allowed from the dates of issue of the respective notifications by the Govt. of India i.e. 27th July, 1998 or 6th Nov. 1998, as the case may be”
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13. It is pertinent to note that a copy of the said proceeding (F-1-22/97-U.I dated 24.03.1999) was marked to the Secretary, ICAR, Krishi Bhawan, New Delhi. The question is whether the ICAR was justified in having issued Annexure P/8 on 19.07.2000, i.e. after issuance of the clarification given by the Ministry of HRD to the effect that the CAS was to have effect only from 27.07.1998 and not from 01.01.1996. Annexure P/8, dated 19.07.2000 issued by the ICAR, informing the Chief Secretaries of all the

States that the 'CAS' for the teachers of the State in the Agricultural Universities and Colleges shall be effective from 01.01.1996, is apparently contrary to the mandate of the scheme as laid down by the Ministry of HRD vide the proceedings bearing No. F-1-22/97-U.I. dated 24.03.1999. The same, hence, was not liable to be given effect to, but the learned Counsel appearing for the State submits that they had given the benefits to the parties concerned based on Annexure P/7 dated 04.05.2000. The learned counsel for the University also submits that the scheme was envisaged and brought about by the Central Government and as such, the clarification issued by the Central Government (Ministry of HRD) is the ultimate one, which is to the effect that the date of implementation of the 'CAS' was to be only from 27.07.1998 i.e. when the sanction was given by the said Ministry and not from 01.01.1996.

14. The mistake in having issued Annexure P/8 on 19.07.2000, contrary to the mandate stipulated by the Ministry of HRD (as per the proceedings dated 24.03.1999, despite marking a copy of the same to the ICAR) was realized by the ICAR only later, who felt it necessary to have the mistake corrected immediately. It was accordingly, that Annexure P/9 was issued on 06.12.2000, making it clear that the date of commencement of the 'CAS' would only be from 27.07.1998 and not from 01.01.1996. It was the said Circular which was subjected to challenge before the Single Bench of this Court by filing the writ petition, which came to be set aside by the learned Single Judge.

15. The learned counsel representing the private Respondents submits that, neither in Annexure P/1 or P/2 or such other proceedings as mentioned above including Annexure P/4, the date of application of the 'CAS' has been mentioned. On the other hand, with regard to payment of pay and allowances, it has been categorically stated that it will be w.e.f. 01.01.1996. This being the position, it is necessary that all the provisions under the above documents be read together, so as to give effect to the same and there cannot be any segregation or isolation. The argument *prima facie* may appear to be attractive but the recommendation made by the 5th Central Pay Commission deals with various aspects governing the service conditions. It deals with pay revision, career advancement, different types of allowances, different channels of promotion, feeder categories and various other aspects. All these items need not be given effect from a common date and it is quite open for the Government to stipulate different terms and different dates in this regard. This is more so, since the recommendation made by the Central Pay Commission is not a 'statute' and the Government is not bound by the same. In other words, it is always open to the Government to deviate from the recommendation, effect appropriate modification and to have it implemented accordingly. Insofar as the Government has decided to effect the Pay Revision w.e.f. 01.01.1996 and at the same time, the Ministry of HRD has made it clear that the granting of benefit under the 'CAS' shall only be prospective w.e.f. 27.07.1998, it remains a matter of policy, which is a forbidden field for this Court to intrude or to make any alterations.

16. It is very pertinent to note that in Annexure P/1 issued by the HRD on 27.07.1998 (deciding to implement the benefit of the recommendations of the 5th Pay Revision Commission including the revised pay scales and the 'CAS'), it was clearly stated under Clause 6 that, anomalies, if any, in the implementation of the Scheme may be brought to the notice of the Department of Education, Ministry of HRD for clarification. It was accordingly, that the clarification was sought for and the same was considered and answered by the Ministry of HRD as per the proceedings bearing No. F-1-22/97-U.I. dated 24.03.1999, clearly holding that the benefit of 'CAS' will only be w.e.f. 27.07.1998 and not w.e.f. 01.01.1996.

17. We are of the view that, merely because of issuance of Annexure P/8 by the ICAR, wrongly mentioning the implementing date for 'CAS' as 01.01.1996, by itself, would not extend any benefit to the persons concerned, it being contrary to the specific clarification issued by the Ministry of HRD, as per the proceedings dated 24.03.1999. In other words, the reference made by the ICAR to the date of implementation as 01.01.1996 in respect of the 'CAS', being contrary to the actual intent as desired, ordered and clarified by the Ministry of HRD, it was not liable to be acted upon. In the said circumstances, the finding and reasoning given by the learned Single Judge, to have interdicted Annexure P/9, is not correct or sustainable. We find it appropriate to set aside the said verdict and repel the challenge raised by the writ petitioners in this regard. It is ordered accordingly. Annexure P/9 dated 06.12.2000 stands restored, which is in conformity with the proceedings issued by the Ministry of HRD,

by way of Annexure P/1, P/2 and the proceedings bearing No. F-1-22/97-U.I. Dated 24.03.1999.

18. Coming to the remaining issue as to the benefits enjoyed by the Petitioners, they have been given the benefits based on Annexure P/8 dated 19.07.2000 from the part of the State, as per the proceedings issued by the authorities concerned way back in May, 2000. It is brought to the notice of this Court by the learned Senior Counsel appearing for the ICAR that the 'CAS' has not been implemented in any other State in India w.e.f. 01.01.1996 than the State of Madhya Pradesh and that there cannot be any exception or special consideration for the persons who are working in the State of Madhya Pradesh/Chhattisgarh. The learned counsel appearing for the private Respondents submits that there was absolutely no fault or lapse on the part of the said respondents/writ petitioners in claiming or obtaining the benefits from 01.01.1996. By the time Annexure P/9 was issued, the benefits payable were already given to them by the State and till date, no proceedings have been initiated with regard to any recovery and it will be too harsh, as on date, to take any steps to get the said amount recovered from the Respondents.

19. The learned Senior Counsel appearing for the ICAR submits that, though there was a burden on the ICAR to meet 80% of the cost (based on the Scheme), no contribution to the said extent has been made by the ICAR except from 27.07.1998, because the mistake which was crept in Annexure P/8 dated 19.07.2000 was got corrected shortly thereafter, by issuing Annexure P/9 dated 06.12.2000.

20. In the above circumstances, we make it clear that there will be no liability on the part of the ICAR to effect any further payment in this regard, except to the extent the benefit requires to be paid in all respects from 27.07.1998. We do not intend to express anything with regard to the contribution made by the State (to the extent of 20%) for the disputed period i.e. 01.01.1996 to 27.07.1998.

All the appeals are allowed. No costs.

Sd/-
(PR Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge