

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WA No. 449 of 2010Indian Council Of Agricu. And Ors. **Versus** Dr. A.K. Singh

WA/74/2015,WA/75/2015,WA/76/2015,WA/77/2015,WA/78/2015,WA/79/2015,WA/80/2015,
 WA/81/2015,WA/82/2015,WA/83/2015,WA/84/2015,WA/85/2015,WA/86/2015,WA/87/2015,
 WA/88/2015,WA/89/2015,WA/90/2015,WA/91/2015,WA/92/2015,WA/93/2015,WA/94/2015,
 WA/95/2015,WA/96/2015,WA/97/2015,WA/98/2015,WA/99/2015,WA/100/2015,WA/101/2015,
 WA/102/2015,WA/103/2015,WA/104/2015,WA/105/2015

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 (Sl 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.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge