

GAHC010001342018



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/274/2018

BHASKARJYOTI CHAKRAVARTY
KHAGENDRA NATH CHAKRAVARTY, R/O- H NO. 3, AAGALI PATH,
AMBIKAGIRI NAGAR, RGB ROAD, GHY- 24, KAMRUP, ASSAM

VERSUS

UNION OF INDIA
REP. BY THE SECRETARY TO THE DEPTT. OF COMMERCE AND INDUSTRY,
UDYOG BHAWAN, NEW DELHI- 110107, INDIA

2:TEA BOARD OF INDIA
REP. BY DEPUTY CHAIRMAN
UNDER MIN OF COMMERCE AND INDUSTRIES 14 BTM SARANI
KOLKATA- 700001
WB
INDIA

3:TEA RESEARCH ASSOCIATION
REP. BY ITS CHAIRMAN
113 PARK STREET
9TH FLOOR
KOLKATA
PIN- 700016
WB
INDIA

4:THE SECRETARY
113 PARK STREET
9TH FLOOR
KOLKATA
PIN- 700016
WB

INDIA

5:THE DIRECTOR
TEA RESEARCH ASSOCIATION
TOCKLAI TEA RESEARCH INSTITUTE
CINNAMARA
PIN- 785008

6:THE FINANCIAL CONTROLLER
113 PARK STREET
9TH FLOOR
KOLKATA
PIN- 700016
WB
INDI

B E F O R E

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

Advocate for the petitioner : Shri H. Sarma.
Advocates for the respondents : Shri G.N. Sahewalla, Sr. Advocate,
Ms. K. Bhattacharyya, Advocate
Ms. A. Gayan, CGC
Ms. P. Rabha

Date on which judgment is reserved : 18.06.2026

Date of pronouncement of judgment : 24.06.2026

Whether the pronouncement is of the operative part of the judgment? : NA
Whether the full judgment has been pronounced? : Yes

JUDGMENT & ORDER

The instant application under Article 226 of the Constitution of India has been filed with the following prayer:

“In the premises aforesaid, it is most earnestly prayed that, Your Lordships would be graciously pleased to admit this petition, call for the records and issue a rule calling upon the respondents to show cause as to why a writ in the nature of mandamus shall not be issued directing the respondents authorities to

I. Refix the pay in the pay band or basic pay of the petitioner by providing two additional increments to his promoted pay band w.e.f. 01/02/2013, i.e., to refix his pay in the pay band or basic pay at Rs. 40,220.00/- instead of Rs. 37,400.00/-w.e.f. 01/02/2013,

II. To re-designate the post of the petitioner as Sr. Controller of Administration or Sr. Administrative Controller making it effective from 24th February 2014,

III. To release the arrear salary of the petitioner which he would be entitled for consequent upon fixation of his band ay at Rs. 40,220.00/- w.e.f. 01/02/2013 along-with interest as admissible till the date of payment and further be pleased to direct the Authorities of Tea Research Association for fixation of correct band pay of the petitioner's salaries on implementation of 7thCPC (Central Pay Commission) recommendations in Tea Research Association.

and after cause or causes being shown and after hearing the parties and after perusing the records your Lordships may be pleased to make the

rule absolute and/ or pass such any such other order/orders as Your Lordships may deem fit and proper in the facts and circumstances of the case.

And for this act of your kindness, the petitioner, as in duty bound, shall ever pray."

2. As per the facts projected, the petitioner was appointed as an Administrative Officer in the Tea Research Association on 06.08.2007 which he had joined on 03.09.2007. After completion of the period of probation, the petitioner was confirmed in service vide an order dated 26.09.2008. By dint of his services rendered, the petitioner was promoted to a higher pay band vide order dated 23.01.2013. On 26.06.2013, the petitioner had issued a letter to the respondent authorities claiming two increments in accordance with a recommendation by the Council for Scientific and Industrial Research (CSIR). The petitioner claims that the services rendered by him in the Tea Research Association would be covered by all recommendations by the CSIR. However, as per the respondent authorities, it is the CCS Rules which will govern the services of the petitioner. It is with regard to not giving the benefit of the two increments to the petitioner as well as designation that the present writ petition was instituted

3. I have heard Shri H. Sarma, learned counsel for the petitioner. I have also heard Shri G.N. Sahewalla, learned Senior Counsel assisted by Ms. K. Bhattacharyya, learned counsel for the respondent no. 5 and Ms. P. Rabha, learned counsel appearing on behalf of Ms. A. Gayan, learned CGC.

4. At the outset, Shri Sarma, the learned counsel for the petitioner has

clarified that as on today, the petitioner is employed elsewhere and therefore, he would not press the second prayer with regard to the conferment of designation. He has however submitted that the prayer for giving the benefit of 2 increments in accordance with the recommendation of the CSIR would be pressed by him.

5. The learned counsel for the petitioner has submitted that the petitioner had been representing before the respondent authorities on this issue after such recommendation was given by the CSIR in the year 2008. He has also drawn the attention of this Court to a Memorandum of Settlement followed by an Agreement dated 31.08.1965 as per which the CSIR Rules were agreed to be made applicable and adopted. Reliance has also been placed on an Award dated 26.12.1997 and the terms of settlement thereof including in Serial No. (b). The learned Counsel has however submitted that the Director of the respondent - Association issued an E-mail whereby the claim of the petitioner has been rejected.

6. He has also drawn the attention of this Court to the Service Rules of the Tea Research Association. He has submitted that the scale of pay and grade pay of Scientists in Group IV is identical to that of the Administrative Officer which the petitioner was holding. By drawing the attention of this Court to the affidavit-in-opposition filed by the respondent no. 5, the learned counsel for the petitioner has submitted that in paragraph 8 thereof, there is a denial to the claim of the petitioner as it has been stated that the CCS Rules are applicable and the petitioner is not entitled to the benefit of two increments. With regard to aspect of differentiation between scientific and non-scientific personnel, the respondent-Association has denied such allegation. He has submitted that a rejoinder affidavit has been filed reiterating the claim of the petitioner. Towards

the end of his submission, he has drawn the attention of this Court to the report of a Committee in which it has been stated that the CSIR is applicable to all the employees

7. *Per contra*, Shri G.N. Sahewalla, learned Senior Counsel for the Respondent - Association have disputed the claim. He has categorically submitted that the benefits were meant only for Scientific Officers and was not meant for Administrative Officers. He has drawn the attention of this Court to the Communication dated 21.11.2008 issued by the CSIR to all the Directors on the subject "Implementation of 6th Central Pay Commission Recommendations in CSIR in respect of Group-IV Scientists". He has submitted that in paragraph 2 of the said communication, it has been specifically mentioned that it is only meant for the scientist. He has clarified that when the grant of benefit was specifically meant for Scientist, such claim cannot be made by the petitioner. He has also highlighted the aspect that the respondent - Association is a self financing association and no funds are given by the State. With regard to the agreement where the terms of settlement, more specifically under Sl. No. b has been relied upon, the learned Senior Counsel has submitted that the same would not be applicable. With regard to allegation of discrimination, he has submitted that apart from the fact that the said two officers were not made parties in the proceeding, the said two officers were not given the benefits of the two increments. He has clarified that they were given salaries by use of discretion by the Chairman on the basis of the services rendered. He has also submitted that the present claim of the petitioner would involve huge financial implication which the Respondent - Association is not in a position to take the burden.

8. The rival contentions have been duly considered and the materials placed

before this Court have been carefully examined.

9. The entire basis of the present claim emanates from an understanding of the petitioner that the communication dated 21.11.2008 issued by the CSIR would also apply to the petitioner. To understand the controversy it would be necessary to have a careful reading of the aforesaid communication. The said communication has been issued by the CSIR on the subject implementation of 6th Central Pay Commission recommendations in CSIR in respect of Group IV Scientists. The petitioner has laid emphasis on the tabular form which includes Group IV(4) wherein the revised scale of Pay Band has been indicated. The petitioner has also placed before this Court, the Tea Research Association Service Rule, more particularly, Chapter III thereof which is with regard to the designations. He has submitted that the pay scales for Scientists IV(4) and that of Administrative Officer [Ad IV(4)] are identical. It clearly appears that the claim has been made on the aforesaid presumption that since the pay scales are identical, the benefit of the communication dated 21.11.2008 should also be afforded to the petitioner who was appointed as Administrative Officer and subsequently promoted in the year 2013 to a higher pay band.

10. As noted above, the communication dated 21.11.2008 which is the basis of the aforesaid claim has, in no uncertain terms laid down that the implementation of the 6th Central Pay Commission recommendations were in respect of Group IV Scientists. It is not in dispute that the petitioner is not a Scientist but was appointed in the administrative section as an Administrative Officer. This Court is of the opinion that identical pay scale cannot be the basis of conferring the benefit of the communication dated 21.11.2008 to the Administrative Officer when the said communication, in clear terms has laid

down that the benefit are to be given only to Group IV Scientists.

11. There is also an argument made on behalf of the petitioner on the aspect of discrimination *vis-a-vis* two officers. The said averment however has been denied by the respondents in their affidavit-in-opposition filed on 25.09.2018. It has been stated that the two officers were not given the benefits of the two increments as per the communication dated 21.11.2008 but was given the salary by the Chairman by use of discretion. It is not the case before this Court that the petitioner is seeking equivalent pay with those two officers who are posted elsewhere under different circumstances. On the other hand, the claim is based on the communication mentioned above which is primarily meant for Group IV Scientists. This Court is of the considered opinion that the very basis of the present claim is fallacious and therefore, there is no merit in the present application.

12. With regard to the Memorandum of Settlement and the Agreement of the year 1965 including the Award of 1997 wherein there are certain agreement that the recommendation of the CSIR would be applicable to the Tea Research Association, this Court is of the view that such memorandum of settlement, agreement and award would not have much relevance in the adjudication of the present case inasmuch as, the issue is not with regard to non implementation of the recommendation of the CSIR and on the other hand, it is an Administrative Officer who is trying to get the benefit of such recommendation which are made for the Scientist. Similarly, the reliance on the report of the Committee for revival of the Institute as raised during the arguments is misplaced. This Court is of the view that the present claim is made on a wrong understanding of the communication mentioned above.

13. The writ petition accordingly stands dismissed.

14. No order as to cost.

JUDGE

Comparing Assistant