

(2019) 05 CAT CK 0073

In the Central Administrative Tribunal

Case No : Original Application No. 1115 Of 2015, Miscellaneous Application No. 1037 Of 2019

Dr. Subhash Chandra

APPELLANT

Vs

Secretary

RESPONDENT

Date of Decision : 13-05-2019

Acts Referred:

Citation : (2019) 05 CAT CK 0073

Hon'ble Judges : L. Narasimha Reddy, J;Aradhana Johri, J

Bench : Division Bench

Advocate : T.N. Singh, S.K. Gupta, Vikram Singh

Final Decision : Disposed Off

Judgement

1. The applicant joined the service of Indian Council of Agricultural Research (for short, ICAR), respondent herein, as Scientist S-1 (Agricultural Extension) on 02.04.1986. He was put in the senior scale in the year 1994. The ICAR framed a scheme, providing for incentives to the candidates who obtained Ph.D degree, either before joining the service or while in service. The applicant states that with a view to obtain Ph.D degree in Social Science from Magadh University, he got himself registered on 27.05.1999. It is stated that though he submitted a representation seeking permission for Ph.D studies and issued reminders, there was no response in this behalf from the IACR. He states that the Ph.D degree was conferred upon him on 10.02.2009.

2. The applicant contends that rules/scheme framed by the respondents provide for extension of benefit of three increments to the Scientists (Selection Grade) on acquiring the Ph.D, and though he acquired such a degree, he was not extended the benefit. A representation was submitted by the applicant, in this behalf. The respondents replied on 27.08.2013, stating that the degree obtained by him is not in the subjects approved by them and, accordingly, a decision was taken to deny him the benefit. The same is challenged in this OA.

3. The applicant contends that the scheme does not make any mention about the subjects in which a Ph.D must be obtained and once the Ph.D degree in Social Science, which is relevant for his post, is obtained, the respondents are under obligation to extend him, the benefit of three increments. It is stated that the reasons mentioned in the impugned order cannot be sustained in the law. Other grounds are also pleaded.

4. Respondent filed counter affidavit opposing the OA. It is stated that a Scientist, intending to obtain the Ph.D degree while in service is required to seek permission from the concerned authority and the proposed study must be relevant to the activities of the Council. It is stated that the applicant did not obtain permission for doing the research and the Ph.D obtained by him was, found to be not relevant and not in the discipline, mentioned by the ICAR. Various contentions advanced by the applicant are denied.

5. We heard Shri T.N. Singh, learned counsel for applicant and Shri S.K. Gupta, learned counsel for respondents.

6. The applicant was appointed in the respondent Council as Scientist S-1 (Agricultural Extension) on the basis of Post Graduation degree held by him, in Sociology. The respondent provided incentives for higher qualifications; through its circular dated 06.03.2009. The relevant portion thereof, reads as under :-

"Incentives for higher qualifications. (To be effective w.e.f. 1.9.2008)

Five non-compounded advance increments shall be given at the time of recruitment on or after 01.09.2008 as Scientist to persons possessing the degree of Ph.D awarded in the relevant discipline by a university following the process of registration, course-work and external evaluation as prescribed by the ICAR.

Candidates who hold M.Phil/M.Tech/M.Sc.(Ag.)/M.V. Sc./M.F. Sc. Degree (with 4 years bachelor and 2 years master's programme) at the time of recruitment on or after 1.9.08 as Scientist shall be given two non-compounded advance increments.

A Scientist shall be given three non-compounded advance increments as and when he acquires Ph.D degree in his service career on or after 01.09.2008 from a University following the process of registration, course-work and external evaluation as prescribed by the ICAR.

A Scientist shall be given one non-compoundable advance increment as and when he acquires M.Phil or a post graduate degree in a professional course as may be notified by the ICAR in his service career on or after 01.09.2008, provided such post graduate qualification is not a mandatory requirement at the entry level of recruitment.

(remaining portion omitted, as not relevant for the purpose of this case) (ICAR No. 1(1)/2009-Per.IV dated 6.3.2009)"

7. From a perusal of this, it becomes clear that the candidates who possess Ph.D

degree before joining of the service are awarded with five non-compounded advance increments and those who cleared Ph.D while in service are extended the benefit of three non-compounded advance increments. The respondents were cautious enough to stipulate that the Ph.D must be in the relevant discipline for the new entrants and it should be from a University "following the process of registration, course-work and external evaluation as prescribed by the ICAR." In other words, it is only when a candidate acquires a Ph.D degree from a University which follows a pattern stipulated by the ICAR, that the awardee can claim the benefit.

8. Here itself, it becomes necessary to take note of the manner in which the permission is to be obtained by an in-service candidate for undertaking the study, leading to Ph.D. In their letter dated 20.08.1971, the respondents informed that the Directors of all Research Institutes as under :-

"I am directed to say that a point has been raised whether the Directors of the Research Institutes are competent to grant permission to the employees of the Institutes for registration for higher degrees of other Universities/Institutes or approval of the Indian Council of Agril. Research is necessary. The practice followed by Institutes like Indian Agricultural Research Institute/Indian Veterinary Research Institute, in this regard was ascertained from them and it was found that these Instts. grant the necessary permission without any reference to the I.C.A.R., subject to certain conditions. The matter has been examined by the I.C.A.R. with a view to prescribing a suitable procedure for the sake of uniformity. It has now been decided that the Directors of the Institutes may grant permission to their employees for registration for higher studies of other Universities/Institutes subject to the following conditions being satisfied:-

- 1) The applicants should have completed a minimum of 2 years service in a Institute;
- 2) The Head of Division should certify that in the event of permission being granted, the work of the Division will not suffer;
- 3) The programme of work of the candidate will be in the line with the research projects of the Division.

I am to request that the above instructions may kindly be noted for compliance."

9. Further, the necessity to obtain leave for the purpose of completing course is mentioned in the communication dated 19.01.1995 as under :-

"Director General is keen that those scientists of ICAR who are holding Master's degree must be encouraged to take up higher studies leading to M.Phil/Ph.D if they want to take full advantage of the career advancement scheme in ICAR and to get the benefit of 1/3 years in qualifying service.

You are, therefore, requested to take timely action for encouraging such scientists for undertaking study leave and ensure that they are given preference

over their juniors to them for this purpose. The eligibility conditions for granting study leave as given in the ARS (Study Leave Regulations), 1991 will of course be applicable."

10. The level of scrutiny and verification for according permission to a candidate to undertake study leading to Ph.D is a bit rigorous. At that stage itself, the candidate has to satisfy the Council that the proposed study would be in a University, which conducts course, in accordance with the procedure prescribed by them. Secondly, the various precautions such as work load in the Organisation, the relevance of the subject of proposed study etc. need to be taken, before according permission and granting leave.

11. Coming to the facts pleaded by the applicant, it is evident that though he claims to have registered himself for Ph.D on 27.05.1999, it is neither preceded nor succeeded by any permission from the respondent Council. It means that the so called registration was without a reference to the Council. Therefore, it does not fit into the very scheme at all. The synopsis of the Ph.D is said to have been submitted on 17.01.2002, and there is no mention as to when the full thesis was submitted. The Ph.D degree was conferred upon the applicant on 10.02.2009. The subject of the research was "Food in Ancient India - As depicted in literature (from prehistoric to C 75 A.D.)". There was no occasion for the Council to verify the relevance of this topic. It appears that the Council gave a semblance of relaxation to the applicant in the context of obtaining leave or complying with other formalities. In spite of that, they did not find anything relevant in the so called research undertaken by the applicant. One can easily guess the importance level and relevance of the research, for which, the applicant did not feel the necessity of applying even for a single day of leave. We cannot have the luxury of spending from the limited public resources, to such 'accomplishments'. The topic of research is absolutely of no relevance, to the activities of the respondent Council.

12. We do not find any merit in the OA and the same is, accordingly, dismissed.

Pending MAs, if any, also stand disposed of.

There shall be no order as to costs.