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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1108/2002

This the 8th day of April, 2003

HON'BLE SHRI JUSTICE V.S.AGGARWAL, CHAIRMAN

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

1. Dr. D.Roy S/O Mohitosh Roy,
working as Drug Inspector,
O/O Deputy Drugs Controller(I),
CDSCO, North Zone, CGO-1,
Kamla Nehru Nagar,
Near Hapur Chungi,
Ghaziabad-201002 (UP).
2. M.Mitra S/O Sudhindra Kumar Mitra,
working as Drug Inspector,
O/O Deputy Drugs Controller(I),
CDSCO, North Zone, CGO-1,
Kamla Nehru Nagar,
Near Hapur Chungi,
Ghaziabad-201002 (UP).
3. Arvind Kukrety S/O U.B.Kukrety,
working as Drug Inspector,
O/O Deputy Drugs Controller(I),
CDSCO, North Zone, CGO-1,
Kamla Nehru Nagar,
Near Hapur Chungi,
Ghaziabad-201002 (UP).
4. D.K.Chauhan S/O Leela Prasad,
working as Drug Inspector,
O/O Deputy Drugs Controller(I),
CDSCO, North Zone, CGO-1,
Kamla Nehru Nagar,
Near Hapur Chungi,
Ghaziabad-201002 (UP). ... Applicants

(By Shri E.X.Joseph, Sr. Counsel with Shri T.M.
Ranganathan, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Health &
Family Welfare, Govt. of India,
Nirman Bhawan, New Delhi.
2. Director General Health Services,
Nirman Bhawan, New Delhi. :
3. Drugs Controller General of India,
Nirman Bhawan, New Delhi. ... Respondents

(By Shri M.K.Bhardwaj for Shri A.K.Bhardwaj, Adv.)

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O R D E R

Hon'ble Shri V.K.Majotra, Member (A) :

Applicants, four in number, are Drug Inspectors in the Central Drugs Standard Control Organisation (CDSCO). They are seeking pay scale of Rs.8000-13500. They have been given the replacement scale of Rs.2000-3500 {Fourth Central Pay Commission (CPC)}, i.e., Rs.6500-10500. It has been contended before us that neither the CPC nor the anomalies committee have examined their claim for the higher pay scale. They have stated that Drug Inspectors in the States of West Bengal, Rajasthan, Tripura and Mizoram etc. have been granted the higher pay scale of Rs.8000-13500 but their demand has been rejected by respondents vide impugned order dated 18.12.2001 (Annexure A-1) sheerly on the ground that Ministry of Finance has not agreed to accord them the higher pay scale.

2. On the other hand, the learned counsel of respondents stated that applicants' matter was referred to the Ministry of Finance which has turned down the same. He further stated that equation of posts and determination of pay scales is dependent on a large number of factors which have to be examined by an expert body. Decision on such issues is the primary function of the Executive and not the Judiciary, therefore, the courts should not enter upon the task of job evaluation etc., which should be left to expert bodies like the Pay Commission.

3. Admittedly, the CPC did not make any comment or observation in regard to the claim of Drug Inspectors of

the CDSCO. The learned counsel of respondents when specifically asked about consideration of applicants' claim by the anomalies committee, could not supply any information to the effect whether the anomalies committee had examined the issue or not. As such, we hold that neither the Fifth CPC nor the anomalies committee considered the demand of Drug Inspectors regarding their upscalation.

4. It is not disputed that job evaluation, equation of posts, determination of pay scales etc. is the primary function of the Executive and not the Judiciary but when neither the Fifth CPC nor the anomalies committee has looked into the grievance of applicants regarding grant of higher pay scale, interest of justice warrants interference at our hands. We find that the impugned order rejecting the demand of applicants is a sketchy and arbitrary rejection of the representation of applicants which cannot be countenanced.

5. In the facts and circumstances, when respondents have not considered the grievance of applicants through the agencies of Fifth CPC and anomalies committee, though we refrain from prescribing any pay scale to applicants ourselves, we find it imperative to direct respondents to consider the demand of applicants for grant of the higher pay scale of Rs.8000-13500 in the following manner :

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(i) Applicants shall make a self-contained representation within fifteen days from the date of receipt of this order relating to their demand to Secretary, Department of Expenditure.

(ii) Respondents shall appoint a Committee within a month thereafter of Joint Secretaries, Department of Expenditure, Department of Personnel & Training and Ministry of Health and Family Welfare to examine and make recommendations to the Department of Expenditure on the representation of applicants.

(iii) The Committee shall afford an opportunity of hearing to applicants before making their recommendations.

(iv) Whereas the Committee shall formulate and forward their recommendations on the demands of applicants to Secretary, Department of Expenditure within fifteen days of hearing applicants, the Secretary Department of Expenditure is directed to take final decision thereon within a period of one month thereof.

6. The OA is disposed of in the above terms. No costs.

V. K. Majotra
(V. K. Majotra)
Member (A)

V. S. Aggarwal
(V. S. Aggarwal)
Chairman

/as/