

13

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 215/2002

New Delhi this the 11th day of March, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri V.K. Majotra, Member (A)

1. Lakhman Singh S/O Sh. Sabha Chand
2. Vivek Bhatnagar S/O Sh. Jag Mohan Lal
3. Ramji Lal S/O Sh. Khachera
4. Arjun Tyagi S/O Lt. Sh. Ram Avatar Tyagi
5. D.P. Sharma S/O Sh. Laxmi Narayan Sharma  
(All are working as Pharmacist in Ordnance Factory Hospital, Muradnagar, Distt. Gha. (UP))
6. N.P. Bhatt S/O Lt. Sh. N.L. Bhatt
7. G.L. Raj S/O Sh. B. Ram
8. D.K. Bansal S/O Sh. R.P. Bansal
9. M.L. Parandiyal S/O Sh. S.L. Parandiyal
10. Abdul Halum S/O Sh. M.N. Ansari
11. B.R. Soliyal S/O Sh. G.R. Soliyal  
(All are working as Pharmacist in Ordnance Factory Hospital, Dehradun (UP))
12. Bacchu Lal S/O Sh. Mahabir Parsad
13. Ram Asray S/O Sh. Gangadeen
14. Vinod Kumar S/O Raj Bhadur
15. Anil Kumar Misra S/O Sh. Omkar Nath Mishra
16. Kapil Dev S/O Shri Ram Avadh
17. Ramesh Chand S/O Shri Dhani Ram
18. Krishan Kumar S/O Sh. R. Chandra
19. Hanwant Singh Bindra S/O Sh. Darshan Singh
20. Rajiv Gujral S/O Sh. Sat Pal Gujral
21. Rajesh Kr. Srivastava S/O Sh. Jai Narain Srivastava.
22. Rajesh Kumar Drivedi S/O Sh. Rameshankar Drivedi.

100

(B)

23. Anil Chander Tripathi  
S/O Sh.Ram Chander Tripathi,
24. Jagannath Pd.Sharma  
S/O Lt.Mannu Lal Sharma
25. Ram Babu  
S/O Shri Matadeen
26. Manan Singh  
S/O Sh.Shivdhar Singh
27. Mauji Lal  
S/O Shri Kalika
28. Sant Lal  
S/O Shri Bhaia Lal
29. Sandhy Asthana  
S/O Sh.V.K.Srivastava
30. Mahinder Singh  
S/O Shri Bhopal Singh
31. Narendra Kumar Singh  
S/O Sh.Yadunath Singh
32. Harisaran Saran Bajpai

(All all working as Pharmacist in  
Ordnance Electronic Factory,  
Kanpur )

..Applicants

(By Advocate Shri Yogesh Sharma )

VERSUS

1. Union of India through the  
Secretary, Ministry of  
Defence, Govt.of India,  
South Block, New Delhi.
2. The Director General,  
Ordnance Factories Board,  
10-S.K.Bose Road, Kolkata.
3. The Director (P),  
Ministry of Defence,Dept.of  
Defence, Production and  
Supplied, South Block,  
New Delhi.

..Respondents

(By Advocate Shri V.S.R.Krishna )

O R D E R (ORAL)

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

Applicants 32 in number are Pharmacists in  
Ordnance Factories, Muradnagar, Dehradun and Kanpur.

V

16

Earlier they had filed OA bearing No.1853/2001 with MA 1547/2001 which were disposed of by order dated 26.7.2001 with the following directions:-

"In this case the applicant is seeking the higher pay scale to the Pharmacists working in Ordnance Factories Hospital under the ACP Scheme which has been considered in the case of incumbents in other Government Hospitals like CGHS and Safdarjung Hospital. It is stated that the applicant has filed a representation to the respondents on 11.1.2001. According to him, the same is yet to be replied with. In the interest of justice, we dispose of the present OA, at the admission stage, by directing respondent No.1 to dispose of the aforesaid representation of the applicant by passing a reasoned and speaking order after dealing with all the contentions of the applicant, within a period of two months from the date of receipt of a copy of this order. OA No.1853/2001 is accordingly disposed of".

2. Learned counsel of the applicants contended that Pharmacists are working in a large number of Departments under various Ministries in the Central Government such as in Safdarjung Hospital and CGHS Hospitals and Dispensaries. He has stated that 25% posts of Pharmacists in these Hospitals have been upgraded on the basis of the recommendations of the 4th Central Pay Commission and though duties and responsibilities of the Pharmacists in the Ordnance Factories Hospitals and Pharmacists in CGHS Hospitals are the same, 25 % posts of Pharmacists in the Ordnance Factories have not been upgraded, and as such they have been discriminated against and they have not been given any superior scale, as <sup>and 16</sup> S-10 and S-12 i.e., the pay scale of Rs.5500-9000 and Rs. 6500-10,500, respectively. According to him, the applicants as

W

(R)

Pharmacists in the Ordnance Factories Hospitals have been given upgradation in the pay scale of 5-9 and 5-10 i.e. Rs.5000-8000 and Rs.5500-9000 only. Learned counsel has drawn our attention to Annexure R-1 relating to charter of duties of Medical and Paramedical Personnel in Ordnance Factories Hospitals as also the duty of Pharmacists in CGHS to establish that the duties and responsibilities of Pharmacists in both the Organisations are similar. Learned counsel also referred to R-5 letter dated 15.10.1996 issued by General Manager, Ordnance Factory, Muradnagar to the effect that the representation dated 26.9.1996 relating to upgradation of 25% posts of Pharmacists has been forwarded to the Ordnance Factories Board for consideration.

3. On the other hand, Shri V.S.R.Krishna, learned counsel of the respondents contended that duties and responsibilities of Pharmacists of CGHS and those of Pharmacists in Ordnance and Ordnance Equipment Factories are different. He has stated that Ordnance Factories organisation does not have any hospital. Pharmacists serving there are only responsible for issuing medicines to the patients on the basis of prescriptions of Doctors, while Pharmacists in the CGHS apart from issuing medicines to the patients on the basis of prescriptions of Doctors also prepare medications like lotion, powder and mixture etc.

4. We find from the Charter of duties of Medical and Paramedical <sup>Personnel</sup> of Ordnance Factories that the

(B)

Pharmacists in the Ordnance Factories hospitals also prepare medications like lotion, mixture etc. We also find from letter dated 27.8.2000 issued by the Principal Medical Officer Ordnance Factory Hospital <sup>Murali</sup><sub>ar</sub> that they have a hospital having bed strength of 40, and in the same letter they have provided information regarding bed occupancy rate during last 3 calendar years i.e., from 1999 to 2001. In our view, on the basis of these documents filed on behalf of the applicants, the Ordnance factories have the Hospitals and Pharmacists therein have the same duties and responsibilities as those in the CGHS.

5. Having regard to the facts and circumstances of the case as discussed above Annexure A-1 dated 9.11.2001 whereby the demand of the applicants was rejected by the respondents is quashed and set aside. Respondents are directed to re-consider the matter in the light of the aforesated observations and settled law on the subject for equal pay for equal work and take appropriate decision in the matter expeditiously in accordance with law. This shall be done by the respondents within a period of three months from the date of receipt of a copy of this order with intimation to the applicants. No order as to costs.

V.K.Majotra

(V.K.Majotra )  
Member (A)

Lakshmi Swaminathan

( Smt.Lakshmi Swaminathan )  
Vice Chairman (J)