

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2000/2002

Wednesday, this the 31st day of July, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri S.S.Dang
s/o Late Shri Jaswant Singh Dang
r/o 7943/4, Gali No.6
Ara Kasha Road
Pahar Ganj
New Delhi-55

(Working as Senior Radiographer, X-ray Deptt.
Safdarjung Hospital, New Delhi-29)

...Applicant

(By Advocate: Shri M.K.Gupta)

Versus

1. Union of India
through its Secretary
Ministry of Health & Family Welfare
Nirman Bhawan,
New Delhi-11

2. Director General of Health Services
Ministry of Health & Family Welfare
Nirman Bhawan,
New Delhi-11

3. The Medical Superintendent
Safdarjung Hospital
New Delhi-16

...Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

We have heard the learned counsel appearing on behalf of the applicant.

2. Applicant, who was appointed as a Radiographer on 26.4.1965 in the 4th Central Pay Commission pay scale of Rs.1350-2200/-, was promoted for the first time to the next higher post of Senior Radiographer in the pay scale of Rs.1400-2600/- on 19.8.1986. Subsequently, the pay scales of Rs.1400-2600/- and Rs.1600-2660/- were merged by the 5th CPC and replaced by the 5th CPC pay grade of Rs.5000-8000/- w.e.f. 1.1.1996. By the

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recommendations of the same Pay Commission, the Radiographers have been placed in the 4th CPC pay scale of Rs.1600-2660/- since revised to Rs.5000-8000/- w.e.f. 1.1.1996. Since the Radiographers have, as stated, been placed in the pay grade of Rs.5000-8000/- w.e.f. 1.1.1996, insofar as the applicant is concerned, it is as if his pay scale has not been upgraded at all even though he was promoted to the higher post of Senior Radiographer way-back on 19.8.1986. Having been promoted once in his career, the applicant became entitled for second financial upgradation in terms of Govt. of India's ACP Scheme on completion of twenty four years of service or from 9.8.1999, whichever happened to be the later date. In the applicant's case, the relevant date would be 9.8.1999. No doubt, the respondents have granted him the second financial upgradation w.e.f. 9.8.1999, but they have placed him in the pay scale of Rs.5500-9000/- instead of placing him in the still higher pay scale of Rs.6500-10500/-. The learned counsel appearing on behalf of the applicant submits that since even a Radiographer, a post next lower to the post of Senior Radiographer, has been placed in the pay grade of Rs.5000-8000/- by way of a second financial upgradation, the applicant ought to be placed not in the next higher pay scale of Rs.5500-9000/- but in the scale still higher, namely, that of Rs.6500-10500/-. This plea advanced by the learned counsel is supported, according to him, by the clarification rendered by the DOPT in their circular issued on 10.2.2000 (A-4). Further, a precedent is also available in the form of second financial upgradation

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granted to one Shri B.N. Ganguli, who is similarly placed as the applicant, by the Central Government on 9.12.1999 (A-5). The aforesaid Shri Ganguli, though similarly placed, has been granted second financial upgradation and has been placed in the pay grade of Rs.6500-10500/-. In the circumstances, according to the learned counsel, the applicant also deserves to be placed in the pay scale of Rs.6500-10500/- by way of second financial upgradation.

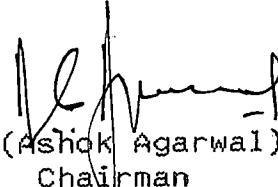
3. Aggrieved by the respondents' action as above, the applicant has filed three representations in the matter, the last being dated 24.1.2002 (page 41 of the paper book). There has been no response to any of these so far.

4. Having regard to the submissions made by the learned counsel and the aforesated facts and circumstances and also the fact that the applicant is retiring on 31.8.2002, we find that interest of justice will be duly met by disposing of the present OA at this very stage even without issuing notices with a direction to the respondents to consider the aforesaid representations in the light of the observations made above and to pass a reasoned and a speaking order thereon expeditiously and in any event within a period of three weeks from the date of service of a copy of this order.

5. The present OA is disposed of in the aforesated terms.


(S.A.T. Rizvi)
Member (A)

/sunil/


(Ashok Agarwal)
Chairman