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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.408/2002

New Delhi, this 4th day of April, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)
Hon'ble Shri M.P. Singh, Member(A)

Jagvir Singh &
31 others as per details given in
Memo of Parties to the OA

.. Applicants

(By Shri Vijay Waghey, Advocate)

versus

1. Chief Secretary
Delhi Admn
5, Shamnath Marg, Delhi
2. Secretary
M/Health & Family Welfare
Nirman Bhavan, New Delhi
3. Director General Health services
Nirman Bhavan, New Delhi
4. Secretary(Medical)
Govt. of NCT of Delhi
Deptt. of Medical & Public Health
5, Shamnath Marg, Delhi
5. Director of Health Services
Govt. of NCT of Delhi
Karkardooma, Delhi
6. Chief Medical Officer (East Zone)
Dte. of Health Services
Dispensary Building
Geeta Colony, Delhi

.. Respondents

ORDER

Shri M.P. Singh, Member(A)

Heard the learned counsel for the applicants and
perused the records.

2. Applicants, 32 in number, who are working as Dressers
in various dispensaries of Govt. of NCT of Delhi in the
pay scale of Rs.2650-4000, are before us in a second
round of litigation. They have earlier filed OA
2990/2001 praying for grant of pay scale of Rs.3050-4590
being drawn by similarly situated 7 persons namely Shri
Ram Dass and others, and that OA was disposed of at the

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admission stage itself vide order dated 1.11.2001 with a direction to the respondents to dispose of the representation made by the applicants in this regard. Pursuant to this, respondents have disposed of applicants' representation vide their order dated 12.12.2001 inter alia stating that the 7 persons, (named in that OA 2990/2001 and again repeated in the present OA), have been redeployed from the Delhi State Mineral Development Corporation which was wound up by the Govt. of NCT of Delhi, were already working in the higher pay scale of Rs.3050-4900 before redeployment and their scale had to be protected as per orders of Deptt. of Services (II), Govt. of Delhi. This order has been impugned in the present OA.

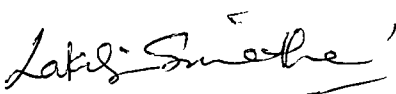
3. We find that the applicants, except stating that the aforesaid order dated 12.12.2001 is illegal as the respondents have discriminated ^{against} them vis-a-vis Shri Ram Dass & 6 others, have not come before us with any rule or law under which they are entitled for the higher pay sought by them. That apart, the judgement of the Tribunal in OA No.981/1994 dated 17.3.1999 and that of the Hon'ble Supreme Court in CW No.4676/78 dated 22.2.1982 are distinguishable and would not render any assistance to the applicants herein inasmuch the issue involved in the aforesaid judgements was that of parity of pay scale of the applicants/petitioner therein and that of their counterparts in other Ministries/ departments. In fact the pay scale of Shri Ram Dass and

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others, who were already in the higher pay scale of Rs.3050-4950, had to be protected on their redeployment after winding up of their parent department i.e. Delhi State Mineral Development Corporation by the Govt. of Delhi, which was done as per the orders of the competent authority. Therefore applicants cannot compare/equate themselves with those redeployed employees and stake their claim for the grant of higher pay scale to them.

4. For the reasons recorded above, we find no merit in the present OA and the same is accordingly dismissed at the admission stage itself even without issuing notice to the other side. No costs.


(M.P. Singh)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman(J)

/gtv/