

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O. A. No. 479/2001

New Delhi, this the 16th September, 2002

Hon'ble Shri Justice V. S. Aggarwal, Chairman  
Hon'ble Shri M. P. Singh, Member (A)

1. Narendra Kumar  
A-10/6, DDUH Residential Complex  
New Delhi

2. Anil Kumar-II  
A-13/1, DDUH Residential Complex  
New Delhi

3. Harbir Singh  
A-17/1, DDUH Residential Complex, Hari Nagar,  
New Delhi

4. Sewa Dass  
A-7/6, DDUH Residential Complex, Hari Nagar,  
New Delhi

5. Narendra Kumar Sharma  
A-8/6, DDUH Residential Complex, Hari Nagar  
New Delhi

6. Baljeet Singh  
Vill & PO Mazra Dabas  
Delhi-81

7. Smt. Santosh Kumari  
Vill & PO Kakrola, House No. 221  
New Delhi

8. Satbir Singh  
DDUH Residential Complex  
New Delhi

.. Applicants

(Shri U. Srivastava, Advocate)

Versus

Govt. of NCT of Delhi, through

1. Chief Secretary  
5, Shamnath Marg, New Delhi

2. Secretary (Services II)  
New Delhi

3. Secretary of Medical  
Delhi Administration, New Delhi

4. Director of Health Services  
C Block, Saraswati Bhawan  
Connaught Place, New Delhi

5. Medical Superintendent  
Deen Dayal Upadhyay Hospital  
Hari Nagar  
New Delhi

.. Respondents

(Shri Rishi Prakash, Advocate)

## ORDER(oral)

Shri M.P. Singh, Member (A)

By the present OA, applicants (eight in number) working as Dressers in the pay scale of Rs.800-1150 (now revised to Rs.2650-4000) in the Deen Dayal Upadhyay Hospital, New Delhi, are seeking directions to the respondents to grant them the pay scale of Rs.950-1400 (now revised to Rs.3050-4500) as has been given to similarly situated persons (Dressers) working under the same respondents in the office of Directorate of Health Services (DHS, for short). They are also seeking further directions to the respondents to pay to the applicants arrears of difference of pay and allowances from the date of their appointment as Dressers with other consequential benefits.

2. According to the applicants, as per order dated 6.6.94, seven persons working as Dressers in Delhi State Mineral Development Corporation Limited (DSMDCL) who have been declared surplus and taken on the strength of DHS are allowed the pay scale of Rs.950-1400. They made representations to the respondents to extend the same pay scale to them but in vain.

3. Respondents in their reply have stated that DSMDCL vide its circular dated 27.8.92 declared a large number of officials as surplus and the Government of Delhi redeployed such officials out of which 7 were Dressers in the pay scale of Rs.950-1400. These seven surplus employees in DSMDCL have been redeployed in Delhi



Government i.e. DHS vide order dated 2.9.92. They were redeployed in DHS being the members of the common ~~done earlier~~ i.e. Dressers and were allowed pay scale of Rs.950-1400 in accordance with clause II of proviso (ii) of Rule 5(2) of CCS(Redeployment of Surplus Staff) Rules, 1990, which stipulates as under:

Provided further that:

"When redeployed in a post carrying a lower scale of pay, the surplus employee shall be permitted to carry his current pay scale along with him to the next post but this benefit shall not be extended where, despite availability of a post in a matching or a higher pay scale, a person is redeployed in a post carrying a lower pay scale at his own request.

In case the absorbed staff has been appointed on a lower pay scale than that he was holding at the time being rendered surplus shall be allowed to carry his current pay scale to the redeployed post as personal pay".

On the other hand, applicants who are directly recruited as Dressers in DHS in the pay scale of Rs.800-1500 are not identically/similarly placed as compared to redeployed Dressers and hence applicants cannot compare themselves with the redeployed employees. The redeployed Dressers have been allowed the pay scale of Rs.950-1400 on redeployment in DHS so as to ensure their pay protection as per the scheme of redeployment of staff formulated by the Government. Therefore the applicants are not entitled for the reliefs prayed for and the OA be dismissed.

*[Signature]*

5. We have heard the learned counsel for the parties and considered the pleadings. We are in agreement with the stand taken by the respondents in giving the pay scale of Rs.950-1400 to the redeployed Dressers, which they have done in accordance with the rules and instructions framed by the Government from time to time. Applicants who are recruited directly as Dressers in the pay scale of Rs.800-1150 cannot equate themselves with the redeployed persons who were already getting the pay scale of Rs.950-1400 in DSMDCL.

6. In the circumstances, for the reasons recorded above, we find no merit in the present OA and the same is accordingly dismissed. No costs.

*MPS*  
(M.P. Singh)

Member(A)

*VSA*  
(V.S. Aggarwal)  
Chairman

□ /gtv/