

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 2394/1999

New Delhi this the 20th day of September, 2000.

(9)

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI M. P. SINGH, MEMBER (A)

Pan Singh
S/o Shri Gopal Singh
R/o D-12 Sector 4, Raja Bazar
DIZ Area Gole Market
New Delhi. Applicant

(By Advocate Shri H.C. Sharma)

-versus-

1. Union of India through Secretary
Ministry of Health and Family Welfare
Nirman Bhawan, New Delhi.
2. Deputy Secretary (Admn.) Govt. of
India, Ministry of Health & Family Welfare
Nirman Bhawan, New Delhi.
3. Under Secretary (Adm. Estt. IV)
Govt. of India,
Ministry of Health & FW
Nirman Bhawan
New Delhi. Respondents

(By Advocate Shri S.K. Gupta)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicant who is holding the post of Head Packer in the Ministry of Health and Family Welfare seeks parity of pay with Head Packers in the Directorate of Audio Visual Publicity (DAVP). By the impugned order passed on 22.3.1999 at Annexure A-III, it has been pointed out that whereas the Central Pay Commission has recommended revised pay scale for Head Packers in DAVP, the same has not been done in the case of Head Packers in the Ministry of Health and Family Welfare. It has further been pointed out that on representation made by the applicant, the matter was considered in

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2

the Finance Division, but the same was rejected on merits. On further representation made by the applicant, it was explained that the matter was taken up with the Fifth Pay Commission in April 1995. However, in its report on matters pertaining to Department of Family Welfare, the Fifth Pay Commission had observed as under:-

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"We have made recommendations in the relevant chapters relating to pay scales, allowances and other issues for various categories of personnel which would equally apply to the personnel in this Department."

2. Based on the aforesaid recommendations, it has, inter- alia been observed in the aforesaid Office Memorandum dated 22.3.1999 as under:-

" Since there was no specific recommendation regarding the pay scale of Head Packer in MMU given by the 5th Pay Commission, the Head Packer in MMU has been given the pay scale of Rs.2650-4000/- which is the replacement scale for Rs.800-1150 (pre-revised)."

3. Applicant on receipt of the aforesaid Office Memorandum dated 22.3.1999 at Annexure A-III instituted OA No.1874/1999 which was disposed of on 27.8.1999 with a direction to respondent No.2 therein to dispose of the review sought by the applicant within a stipulated period. In compliance with the aforesaid direction, the order now impugned in the present OA has been issued on 26.10.1999 whereby the applicant has been informed that the post of Head Packer was created in the Ministry of Health and Family Welfare only with a view to provide promotional avenue to packers as per direction of the Tribunal in

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OA No.28/1989 decided on 31.1.1994 and not on the basis of higher duties/responsibilities attached to that post. Thus, drawing analogy with Head Packers working in DAVP and Ministry of Health and Family Welfare was not tenable.

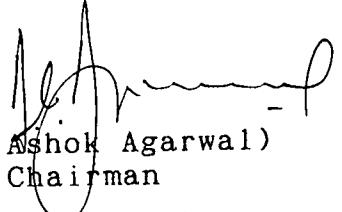
4. In our view, aforesaid decision of the respondents cannot be successfully assailed. Fixation of pay scales is not a matter for decision by the Tribunal. The same is a subject matter to be decided by expert bodies such as the Pay Commission. It has now been pointed out that the duties and responsibilities of Head Packers in the Ministry of Family and Welfare are not the same as in the DAVP. Hence parity of scales cannot be granted. We do not find that the aforesaid decision can be gone into by the Tribunal.

5. Present OA in the circumstances, we find is devoid of merit and the same is accordingly dismissed. No costs.


(M.P. Singh)

Member (A)

sns


(Ashok Agarwal)

Chairman