

(14) 13

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 810/99

New Delhi : this the 13th day of July, 2000.

HON'BLE MR. S.R. ADIGE VICE CHAIRMAN (A)

HON'BLE MR. KULDIP SINGH, MEMBER (J)

1. Laxmi Narain,
S/o Sh. Chote Lal,
R/o 112 D Mohammedpur Village,
P.O. R.K. Puram,
New Delhi - 66

2. Mrs. Surinder Gulati,
W/o Shri M.C. Gulati,
R/o J-28 Beriwalla Bagh,
Hari Nagar,
New Delhi - 64

.....Applicants.

(By Advocate: Shri Deepak Verma)

Versus

1. The Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi.

2. The Secretary,
Deptt. of Expenditure,
Ministry of Finance,
North Block,
New Delhi.

3. The Director General,
Indian Council of Medical Research (ICMR),
Ansari Nagar,
P.B. 4911,
New Delhi - 29

.....Respondents.

(By Advocate: Shri V.K. Rao).

ORDER

Mr. S.R. Adige, VC (A):

Applicants impugn respondents' OM dated 4.12.97 (Annexure-A1) denying them the benefit of revised pay scale of Rs. 1600-2660 as DEO Grade 'D' in terms of the aforesaid OM.

2. Respondents have denied them the aforesaid revised scale on the ground that they do not possess

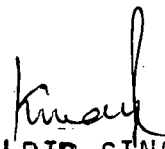
✓

the minimum educational qualification of being a graduate.

3. Applicants in rejoinder have annexed a copy of respondents' OM dated 26/3.3.99 granting one Ms. Kamal Anand revised EDP scale of Rs. 1600-2660 although Ms. Anand is also not a graduate as is clear from the seniority list (Annexure-2).

4. By not granting the revised pay scale to applicants, they are drawing less pay than their juniors which offends the Hon'ble Supreme Court's ruling in Dr. S.M. Ilyas & Ors. Vs. ICAR & Ors. 1993 (1) SLR 60.

5. This OA therefore succeeds and is allowed. Applicants' pay should be refixed in the revised scale of Rs. 1600-2660 w.e.f. 1.1.86 or the date of their joining whichever is earlier, and payment made together with arrears within 2 months from the date of receipt of a copy of this order. No costs.


(KULDIP SINGH)
MEMBER (J)


(S.R. ADIGE)
VICE CHAIRMAN (A)

/ug/