

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

QA NO. 2329/1998

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This the 29th day of November, 2002

HON'BLE JUSTICE SH. V.S. AGGARWAL, CHAIRMAN
HON'BLE SH. V.K. MAJOTRA, MEMBER (A)

Shri Surajpal Singh
S/o Shri Chiranji Lal
Library Attendant
Pharmacopoeial Laboratory for Indian Medicine
C.G.O. Complex,
Kamla Nehru Nagar,
Ghaziabad-201002.

(By Advocate: Sh. S.K.Gupta proxy for
Sh. B.S.Gupta)

Versus

Union of India through

1. The Secretary
Ministry of Health & Family Welfare
Red Cross Society Annexe Building
1, Red Cross Road
New Delhi.
2. The Director (ISM)
Department of ISM&H
Ministry of Health and Family Welfare
Red Cross Society Annexe Building,
1, Red Cross Road
New Delhi.
3. The Director
Pharmacopoeial Laboratory for Indian Medicine
Ministry of Health & Family Welfare
C.G.O. Complex,
Kamla Nehru Nagar,
Ghaziabad-201002.

(None)

O R D E R (ORAL)

Justice Sh. V.S. Aggarwal,

By virtue of the present application, Surajpal Singh,
applicant had prayed for the following reliefs:-

- i) That this honourable Tribunal may be pleased to allow
this application and be further pleased to direct the
respondents to place the applicant in appropriate pay
scale of Rs.950-1500 and also direct the respondents

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to provide channel of promotion for the applicant for further advancement, as per the law as declared by the honourable Supreme Court.

ii) That any other or further relief which this honourable Tribunal may be deem fit and proper under the circumstance of the case may also be granted to the applicant.

2. The applicant is a Library Attendant and according to him he is entitled to the scale of Rs.950-1500 and further promotion in this regard.

3. On behalf of the respondents, it has been pointed out that the applicant was not even eligible to be so appointed and this fact is the controversy between the parties.

4. Our attention has been drawn towards the letter of 29.12.94 to contend that a direction had been given to consider the matter in accordance with the guidelines:-

"I am directed to state that Sh. Suraj Pal Singh, Library Attendant of PLIM, Ghaziabad has submitted a representation on the above subject. The matter was referred to Finance Division of this Ministry who have given the following decision:-

"Department of Personnel & Training have circulated the model recruitment rules for the post of Library Attendant in the pay scale of Rs.260-430. These orders nowhere provide that the posts of Library Attendant in all Central Government Officers are to be upgraded to the pay scale of Rs.260-430. In case PLIM, Ghaziabad, have adopted higher recruitment qualification's for a lower scale post, the appropriate course of action would be to revise the Recruitment Rules and not the pay scale of the post. Further, the Ministry of Finance have already issued detailed instructions regarding pay-scales, recruitment qualifications etc. for the

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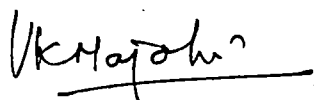
library staff vide their O.M. No. 19(1)IC/86 dated 24.7.90. The present proposal may be processed in accordance with the above guidelines."

2. You are accordingly, requested to take action as per Finance Division of this Ministry's instruction given above and submit the proposal for consideration of the Ministry."

5. At this stage, when no decision seemingly has been taken on it, which is not in dispute, accordingly, we direct that a decision may be taken in pursuance of the letter referred to above at Annexure A-5 preferably within 6 months from the receipt of the certified copy of the order as to whether the applicant is entitled to the scale claimed or not. Respondents shall pass a detailed order and may also consider if the applicant is eligible for the post claimed or not.

6. Further it is added that no opinion has been expressed on merits.

7. Subject to the aforesaid, the OA stands disposed of.



(V.K. MAJOTRA)
Member (A)



(V.S. AGGARWAL)
Chairman

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