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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.319/98

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 28th day of September, 2000

1. All India Port & Airport Health
Employees Union (Recognised)
through its General Secretary
E-2, Airport Staff Colony
Delhi Airport
Palam
New Delhi.

2. Shri K.C.Aggarwal
s/o Shri Late S.L.Aggarwal
r/o RZ-40, Shiv Mandir Marg
Raj Nagar-1, Palam Colony
New Delhi - 110 045.

... Applicants

(By Shri V.K.Rao, Advocate)

Vs.

1. Union of India through
Secretary
Ministry of Health & Family Welfare
Nirman Bhawan
New Delhi.

2. Director General
Health Services
Nirman Bhawan
New Delhi.

.. Respondents

(By Shri V.S.R.Krishna, Advocate)

O R D E R (Oral)

By Justice V. Rajagopala Reddy:

The applicant No.1 is an Association, namely, All India Port and Airport Health Employees Union and Applicant- No.2 is one of the employee who is working as a Sanitary Inspector. The Association, in this case, has taken up the cause of the employees in general for not providing any promotional avenues. A person who has been appointed as Sanitary Inspector, has to remain as Sanitary Inspector only and retire as such. Other categories of employees also suffer from the same situation. They seek parity of service conditions with the employees similarly placed in the

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Railways, in the three grades as are provided as Sanitary Inspector Gr.1, 2 and 3. They approached this Tribunal in OA No.1783/95 for the same relief but it has been disposed of directing the respondents to consider their representations keeping in view the system prevalent in other Ministries like Railways, etc. and communicate the same to the applicants within three months from the date of issue of the order. The Government having considered the representations, passed an order on 15.4.1997 rejecting to give any relief stating that the qualifications of the Sanitary Inspectors of PHQs/APHQs were not similar to those working in the Administration of Railways/MCD/NDMC. Hence they were not entitled for the same pay scales or other benefits. Aggrieved by the said order the present OA was filed. The learned counsel for the applicant, Shri V.K.Rao, vehemently contends that Government being a model employer should have provided at least one avenue of promotion to the employees/ applicants during their long career of their service before their retirement, to have some legitimate satisfaction of having obtained a higher status with higher responsibilities and higher emoluments.

2. The learned counsel for the respondents, Shri V.S.R.Krishna, submits that considering the situation prevalent in the department as well as in other departments the 5th Pay Commission has evolved the Scheme known as Assured Career Progression (ACP) under which the persons having 12 years of service are entitled for a promotion and one more promotion after completion of 24 years of service. Thus it is

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contended that the applicants can have no grievance as they are getting two promotions during their period of service.

3. We have carefully considered the contentions of the learned counsel. It cannot be denied that in view of the Assured Career Progression Scheme the applicants would be getting more than one promotion during their service. The directions given by the Tribunal earlier, regarding the grievance of parity of service conditions, have already been considered by the Government but were rejected. It is therefore not permissible for us to go into this aspect once again. We cannot also possibly direct the Government to amend the Recruitment Rules of Sanitary Inspectors and others. We therefore direct the respondents to grant the benefits of ACP Scheme to the applicants within three months from the date of receipt of a copy of this order. The OA is accordingly disposed of. No costs.

(GOVINDAN S. TAMPI)
MEMBER(A)

(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

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