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Central Administrative Tribunal
Principal Bench: New Delhi

OA No.736/95

New Delhi this the 16th day of October 1995.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr R.K.Ahooja, Member (A)

1. Pharmacists Employees Association (Re:gd)
Through its General Secretary
Shri Suresh Tomar
having office at BJRM Hospoital
Jahangirpuri
Delhi-110 033.
2. Saranjeet Singh
R/o M-II/39-A, Model Town
Delhi- 110 009.
(By advocate: Mrs. Meera Chhibber) ...Applicants.

Versus

1. Union of India through
Lt. Governor
Raj Niwas Marg
New Delhi.
2. Secretary (Medical)
5, Sham Nath Marg
Govt. of NCT of Delhi
New Delhi.
3. Dte. of Health Services
through its Director
E-Block, Saraswati Bhawan
Connaught Place
New Delhi.
4. Union of India through
Ministry of Health & Family Welfare
Nirman Bhawan, New Delho. ...Respondents.
(By advocate: Shri Amresh Mathur)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The Pharmacists Employees Association and one of the Pharmacists under the National Capital Territory of Delhi have filed this application under section 19 of the Administrative Tribunals Act for a direction to the respondents to implement the report submitted by Dr.Varshney Committee with retrospective effect and to pay arrears flowing from such implementation.

(2)

2. Though the Fourth Pay Commission recommended upgradation of posts and though Dr. Varshney Committee suggested certain measures for bettering the service conditions of the Pharmacists, which were accepted in a meeting chaired by the Health Minister, no further action was taken with the result that the Pharmacists are left with no chance of promotion. Under these circumstances, the association submitted representations and finding no favourable response they have filed this application.

2. The respondents in reply admit that pursuant to the recommendations of the Fourth Pay Commission and considering the grievance of the Pharmacists Association, the matter was referred to Dr. Varshney Committee, that the committee put forth certain proposals which were considered, and that a final decision has not yet been taken. Further the respondents contend that as the matter has now been referred to the Fifth Pay Commission for its consideration, at this juncture, the association does not have a legitimate grievance to be redressed.

3. The applicants in the rejoinder filed have reiterated what they have stated in the OA and also pointed out that in the case of Pharmacists under the Central Government, certain benefits have been given to them as per order dated 11th July 1995 and that it is wholly unjust that the same benefits have not been extended to the applicants who are in all respects in identical circumstances like the pharmacists working under the Central Government.

4. After going through the pleadings and the materials available in the case and hearing learned counsel on either side, we are of the considered view that it would be more appropriate if the respondents are directed to consider the issue involved in the light of the report of Dr.Varshney Committee as also the order issued in regard to the pharmacists working under the Central Government and to take a decision within a reasonable time.

5. In the light of what is stated above, we dispose of this application with directions to the respondents to consider the grievance of the applicants/association and to sort out the issue involved therein keeping in view the report of Dr Varshney Committee as also the order issued on 17th July 1995 in the case of the pharmacists working in Central Government as expeditiously as possible, but at any rate by the end of the month of December 1995.

There is no order as to costs.

R.K. Ahooja
(R.K. Ahooja)
Member (A)
aa.

A.V. Haridasan
(A.V. Haridasan)
Vice Chairman (J)