

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
OA 1184/1996

New Delhi this the 2nd day of February, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri M.P. Singh, Member (A)

Dr. (Smt.) Asha Jain,
W/O Dr. Pankaj Jain,
R/O 2073, Delhi Admn. Flats,
Gulabi Bagh, Delhi-7

(None for the applicant)

..Applicant

versus

1. U.O.I.
through Secretary,
Ministry of Health & Family
Welfare, Nirman Bhawan,
New Delhi.

2. Govt. of National Capital Territory
of Delhi through its Chief Secretary
5, Shambhavi Marg, Delhi

3. The Principal
Nehru Homoeopathic Medical College,
Defence Colony, New Delhi.

.. Respondents

(None for the respondents)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

This application has been filed by the applicant seeking a direction to the respondents to place her in the pay scale of Rs. 3700-5000 after completion of 4 years of service as Specialist and in the scale of Rs. 4500-5700 after completion of 8 years of service as Specialist. She has also claimed interest on the arrears of pay.

2. The applicant had been selected as a direct recruit through UPSC, against the post of Gynaecologist and joined Nehru Homoeopathic Medical College and Hospital (NHMCH), Defence Colony, New Delhi on 6.11.1985 as Specialist. According to her, there are 6 posts of Specialists in the grade Rs. 3000-4500 and she is holding one of the posts of such Speciality. Applicant has stated in the OA that all these 6 posts are ex-cadre posts of NCT of Delhi and not Central Health Service. Her grievance is

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that she has not been given the salary of Specialist as given to other Specialist counter-parts who have joined Central Health Service. These Specialists have been given the initial scale of Rs.3000-5000 as compared to scale of applicant i.e. Rs.3000-4500 and thereafter they are being given two time bound promotions in the 4th and 8th year of their service in the scale of Rs.3700-5000 and Rs.4500-5700, respectively. Applicant has made a number of representations to the respondents for being granted the same pay scale as given to the Specialists in the Central Health Service but this has not been done. Hence this OA.

2. None has appeared for the parties even on the second call. We have perused the records.

3. The respondents in their reply have submitted that the applicant was appointed as Specialist in ^{an} ex-cadre post in the NHMCH w.e.f. 6.11.1985. The applicant's pay scale was revised after the 4th Pay Commission and her pay was revised to Rs.3000-4500+NPA which incidentally is the scale of pay attached to the ex-cadre post. They have also stated that in response to the repeated representations made by the applicant to the Director of Health Services, Govt. of NCT of Delhi, the matter has been taken up with Services, Govt. of NCT of Delhi. They have categorically stated that the grievance of the applicant in her representation is under active consideration of the Govt. of India. This reply has been filed on 19.11.1996. In view of their reply, they have also submitted that the present application is premature.

4. As none has appeared for the parties, we are not informed ~~that~~ as to what further action has been taken by the respondents. However, presumably some decision has been taken and perhaps to the satisfaction of the applicant and that is why none has appeared for the applicant also in this case which had been filed on 24.5.96. In the rejoinder, the applicant has stated, *inter alia*, that she has been constrained to file the present OA on account of the fact that there has been complete in-action on the part of the respondents in giving her the same pay which is being given to other specialists

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in other cadres, despite the fact that the applicant is discharging the same functions which are being discharged by others.

5. In view of what has been stated above, in case the respondents have not taken a final decision in the matter ^{in B} which they have stated that the matter is under active consideration regarding the claim of the applicant, they are directed to do so as expeditiously as possible and in any case, within two months from the date of receipt of a copy of this order. If on the other hand, they have already taken a decision and communicated the same to the applicant, nothing further survives in the OA.

6. O.A. stands disposed of as above. No order as to costs.

MPS
(M.P.Singh)
Member (A)

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Member (J)

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