

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

DA-242/96

Friday, this the 29th day of November, 1996. (11)

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE MR. S.P. BISWAS, MEMBER (A)

1. Dr. Sadhana Mate,
D/o late Mr. S.D. Chakradeo,
R/o 13-F, K-Block, Saket,
New Delhi.

2. Dr. Anuradha Bali,
D/o Sh. S.K. Sharma,
R/o 96-B, Pocket-I,
Phase-I, Mayur Vihar,
New Delhi.

3. Dr. Meera Choudhary,
D/o Sh. R.C.P. Choudhary,
R/o D-164, Saket,
New Delhi-17.

...Applicants

(By Advocates Sh. Pavan Kumar and Sh. Manoj Goel)

Versus

1. Delhi Administration
through Secretary (Medical),
Dept. Health & Family Welfare,
Old Rajpura Road,
Delhi.

2. Government of India,
through Secretary,
Ministry of Health
and Family Welfare,
Nirman Bhawan,
New Delhi.

3. Maulana Azad Medical College,
through its Dean,
Bahadur Shah Zafar Marg,
New Delhi.

...Respondents

(None for respondents)

The application having been heard on 29.11.1996
the Tribunal on the same day delivered the following:

O R D E R
CHETTUR SANKARAN NAIR (J), CHAIRMAN --

Applicants who are "Demonstrators (Dental)"
claim parity in pay scale and promotional opportunities
with "Demonstrators (Medical)". To begin with,
Demonstrators (Dental) and Demonstrators (non-Medical)

(2)

were in the pay scale of Rs.550-900, while Demonstrators (Medical) were in the scale of Rs.650-900. That difference or anomaly has been obliterated by Annexure A-13 order. All the three categories are now in the scale of Rs.2200-4000. But this scale has been granted to different categories from different dates, and that according to applicants violates Articles 14 and 16 of the Constitution.

2. Learned counsel for applicants relied on the decision of the Supreme Court in Bhaowan Sahai Carpenter and Others Vs. Union of India and Another, 1989 (2) SCC 299 to contend that prescription of different dates for grant of a common scale would militate against Articles 14 and 16 of the Constitution. The Supreme Court observed:

"We are unable to accept the contention that employees of different trades cannot be (sic) treated differently by allowing higher scale of pay to employees of some of the trades from an earlier date and giving the same benefit to members of other trades from a later date. This will per se be discriminatory and this would be contrary to the equality clause envisaged in Articles 14 and 16 of the Constitution as well as the fundamental right of equal pay for equal work."

We understand this to mean that differentiation with reference to time of grant of scale, cannot be justified. It follows that respondents will have to grant the same scale to similarly placed groups from the same date. Respondents will do so.

3. Applicants have also sought a direction to grant them similar promotional avenues as Demonstrators (Medical). This is a matter which has to be considered by respondents. They will do so, pass a speaking order and communicate the same to applicants.

4. With these directions and to this extent, we allow the application. Parties will suffer their costs.

Dated, this the 29th day of November, 1996.

Dasgupta
(S.P. BISWAS)
Member (A)

Chettur Sankaran Nair
(CHETTUR SANKARAN NAIR, J.)
Chairman