

Central Administrative Tribunal
Principal Bench: New Delhi

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OA No. 412/96

New Delhi this the 11th day of February, 2000.

Hon'ble Mr. Justice V. Rajagopala Reddy, V.R.
Hon'ble Mr. R.K. Ahooja, Member (A)

1. Girdhari Lal,
S/o Shri Khemchand,
R/o Village Mandkol
Tehsil Palwal, Distt. Faridabad(Haryana)
2. Shri Mahavir Singh
S/o Shri Charan Singh Rawal,
R/o Sector-5/515 R.K. Puram,
New Delhi-110022.
3. Shri Dinesh Kumar,
S/o Shri Shimbu Dayal,
H.No. 25/6, Village Nangloi,
Delhi-110041.

...Applicant

(By Advocate: Shri Y.P. Anand)

Versus

1. The Chief Secretary,
National Capital Territory of Delhi,
5, Sham Nath Marg, Delhi.
2. The Secretary, Services,
NCT of Delhi,
5 Sham Nath Marg,
Delhi-110 054.
3. The Drug Controller,
NCT of Delhi,
15, Shamnath Marg,
Delhi-54.
4. The Secretary to the Govt. of India,
Ministry of Health & Family Welfare,
Nirman Bhavan, New Delhi.
5. The Secretary (Medical)
NCT of Delhi,
5, Shamnath Marg,
Delhi-54.
6. Director General of Health Services,
Ministry of Health & Family Welfare,
Govt. of India, New Delhi.
7. The Director,
Prevention of Food Adulteration (PFA),
7th Floor, ISBT Building,
Kashmere Gate, Delhi.

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8. The President/Secretary,
Drugs Control Non-Gazetted
Employees Welfare Assn. Shamnath Marg,
Delhi.

...Respondents

ORDER (Oral)

By Mr. R.K. Aahooja, Member (A)

The applicants who are working as Field Assistants/Sample Packers in the pay scale of Rs. 750-940 seek parity with the pay scale granted to the Field Assistants/Sample Packers of the Department of Prevention of Food Adulteration in the pay scale of Rs. 975-1540. The applicants submit that their duties as Field Assistants and Sample Packers in the Drug Department of Delhi Administration are identical to those of Field Assistants/Sample Packers of the Departments of Prevention of Food Adulteration also under the Delhi Administration. They also point out that the Supreme Court ~~has~~ in Civil Appeal No. 530/89 Satish Kumar & Ors Vs. U.O.I. decided on 31.1.89 had granted a higher pay scale to the Field Assistants and Sample Packers in the Department of Prevention of Food Adulteration on par with the Field Assistants and Packers under the Directorate General of Health Services. On the same analogy, the applicants submit that they also should be raised to the higher grade.

2. The Delhi Administration in the reply have stated that they are also of the same view and have recommended the case to the Govt. of India whose decision is awaited.

3. No reply has, however, been filed by the Union of India, also respondents in this OA.

4. We have heard the learned counsel for the applicant. None has however appeared on behalf of the respondents.

5. It appears to us that the applicants have a strong case for pay parity with the Field Assistants/Packers of the Departments of Prevention of Food Adulteration who were themselves granted parity with Field Assistants and Packers under the Directorate General of Health Services. The Field Assistants and Packers under the Directorate General of Health Services also include those working with the Drug Organisation under the Govt. of India. The applicants before us are also under the Drug Department of Delhi Administration. The Delhi Administration now the Govt. of NCT of Delhi are also of the view that the applicants should be granted higher pay scale and have accordingly recommended their case to the Govt. of India. While it is not known as to what decision has been taken or is proposed to be taken by the Govt. of India, we are informed by the learned counsel for applicant, on instructions received from his client that currently the applicants have been placed in the pay scale of Rs. 2500-3200 while the Field Assistants/Packers of the Departments of Prevention of Food

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Adulteration have been placed in the pay scale of Rs. 3200-4900. Apparently, therefore, the Govt. of India have not finally taken a decision on the recommendations of the Delhi Administration.

6. Even though, as stated above, we find considerable merit in the case of the applicants, we are not inclined in the first instance, to give any order keeping in view the directions of the Hon'ble Supreme Court in Union of India and another Vs. P.V. Hariharan 1997 (3) SCC 568, and would instead require the Union of India to take a final decision in the matter within a specified period.

7. Accordingly, this OA is disposed of with a direction to the Respondent No.4 to take a final decision in the matter within a period of three months from the date of receipt of a copy of this order and to intimate the same to the applicants with a speaking and reasoned order. Needless to say that the applicants will have the liberty to approach the Tribunal again if they are aggrieved by the said order. No order as to costs.

R.K. Ahuja
(R.K. Ahuja)
Member (A)

cc.

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman (J)