

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.1354/97

New Delhi, this the 4th day of Nov., 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)  
Hon'ble Shri N. Sahu, Member (A)

1. Mahendra Singh
2. Hari Singh
3. Hriday Ram
4. Roop Kishore
5. Chiranjit Lal
6. Kewal Krishna Sharma
7. Balbir Singh
8. Tilak Raj Sharma
9. R.C. Saxena
10. Kamla Dutt

(All working as Drivers of Staff Cars, in  
Safdarjung Hospital, New Delhi) ... Applicants

(By Advocate: Shri U.S. Bist)

Vs.

Union of India through

1. Secretary,  
Ministry of Health,  
Nirman Bhawan,  
New Delhi.
2. Directorate General of Health Services,  
Nirman Bhawan, New Delhi.
3. Medical Superintendent,  
Safdarjung Hospital,  
New Delhi.

... Respondents

(By Advocate: Shri Mohd. S.M. Arif)

O R D E R (ORAL)

Dr. Jose P. Verghese -

All the ten petitioners in this OA are working as drivers since many years in the scale of Rs. 950-1500/- The case of the petitioners is that after 4th Pay Commission recommended the abolition of the selection grade of the drivers, left them without any promotional avenues. This court by an order dated 4.1.1993 passed in OA 2957/91 considered the case of the similarly placed

drivers vis-a-vis the orders passed by the Railways who had taken care of their own drivers. In view of the decision of the Hon'ble Supreme Court in the case of Randhir Singh vs. UOI, this court had passed orders directing the respondents to consider them in the same manner as the Railways had considered their drivers for fixation of appropriate scales of pay. In pursuance to the said order of this court, the department of Personnel, Public Grievances by an order dated 30.11.1993 considered the entire matter and passed an order by which all the departments including the respondents were under an obligation to implement the said order. Aggrieved by the non-implementation of the said order the petitioners have filed this OA and has come before us for appropriate reliefs.

After notice, the respondents have filed the reply and stated that there are three different scales now existing in the respondents' organisation. Other than the ordinary drivers there are two more scales, one for the drivers of heavy vehicles and the other for driver-cum-mechanics. The case of the respondents is that since there are other scales are existing, the above said DOP&T order cannot be applicable to the petitioners. We are afraid that the said reply does not stand to reason, as the other two scales available are not in the promotional line and the petitioners will remain in the same scale of Rs. 950-1500/- since the other two scales have no relationship with promotional avenues of the petitioners.

The respondents also stated in their reply at para 8 & 9 that the matter of implementation of the above said orders of DOP&T is still under consideration and in

view of that we would direct the respondents to implement the said order of the DOP&T dated 30.11.1993 in favour of the petitioners since the said order is directed for implementation in favour of all the similarly placed drivers after this court had passed its order in the previous OA. Respondents shall pass an appropriate order giving full benefits to the petitioners within three months from the date of the receipt of a copy of this order and shall pay all the consequential benefits including the payment of arrears to all the petitioners.

In the meantime, it was stated by the counsel for the respondents that the 5th Pay Commission had now recommended the merger of two scales namely 1200-1800 and 1320-2040/-. Since our order implies implementation in favour of all the petitioners w.e.f. 30.11.1993, the same may be granted w.e.f. 30.11.1993 till the recommendation of the 5th Pay Commission is implemented in their favour and thereafter whatever benefits arising out of the 5th Pay Commission recommendation may also be granted to the petitioners in accordance with law. With this, this OA is disposed of with no order as to costs.

Karasumher  
(N.Sahu)  
Member (A)

  
(Dr. Jose P. Verghese)  
Vice-Chairman (J)

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