

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A. No. 2675/97

New Delhi: this the 6th day of July, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH MEMBER (J)

1. Smt. Geeta Dua,
W/o Late Shri Surinder Kumar Dua,
R/o 187, Delhi Admin. Flats,
Nimri, Ashok Vihar, Phase-IV,
Delhi.

2. Smt. Abha Gupta,
W/o Shri Neeraj Gupta,
R/o 45, Chandu Park,
Krishna Nagar,
Delhi-110051

Applicants.

(By Advocate: Shri Ashok Agarwal)

Versus

1. Union of India,
through Secretary,
Ministry of Health & Family Welfare,
Nimman Bhawan-II,
New Delhi.

2. Govt. of NCT of Delhi,
through its Secretary,
5, Shyam Nath Marg,
Delhi-54.

(By Departmental Representative)

ORDER

MR. S. R. ADIGE VC (A)

Applicants seek revised pay scale of Rs. 1400-2600 w.e.f. 24.7.90 with all consequential benefits.

2. Applicant No. 1 states that she was appointed as Assistant Librarian (Rs. 260-430) in Health Department, Govt. of NCT of Delhi in September, 1977 on adhoc basis and was regularised as such w.e.f. 1.6.81 vide order dated 10.11.83. She was promoted as Asstt. Librarian (Senior) in pay scale of Rs. 1200-2040 w.e.f. 31.12.87 and is presently posted as such in Maulana Azad Medical College. Similarly Applicant No. 2 has been in employment of Health Deptt. Govt. of NCT of Delhi since March, 1988 as Asstt. Librarian (Sr.) in Scale of Rs. 1200-2040 and is working as such in School of Nursing, GTB Hospital, Delhi.

(8)

3. Applicants state that the IV Pay Commission in its report (para 11.63) recommended that a Committee be set up to undertake review of the pay scales, qualification and recruitment levels of responsibility of Library Staff. They state that such a Committee was set up which submitted its recommendations to Govt. on the basis of which O.M. dated 24.7.90 was issued (Annexure-C) by GOI introducing a pay structure for Library Staff. As per this OM dated 24.7.90 various scales including the scale of Rs.1400-2300 were clubbed together for which the new scale was Rs.1400-2600 with the change in designation to Library Information Assistant^{was apprend,} but despite that OM no steps were taken to revise applicants' pay. They state that Respondent No.2 issued letter dated 23.9.92 (Annexure-D) conveying sanction of LG, Delhi to the creation amongst others of the post of Library Information Asstt., but inspite of the aforesaid letter respondents have not taken steps to revise their pay scale to Rs.1400-2600 despite several representations made by applicants. Applicants further state that in response to respondents' letter dated 29.1.93 (Annexure-F) asking whether they would like to continue in the old scale or come to the new scale contained in letter dated 24.7.90, they opted to come to the new scales within the prescribed period of 3 months, but despite that no action has been taken by respondents.

4. Respondents in their reply filed on 6.5.98 admit that pursuant to the report of the review committee, posts in Library cadre were created vide sanction order dated 23.9.92 and subsequently notified on 17.11.94 but contend that grant of revised pay scales to the existing incumbents is to be regulated in accordance with recruitment rules for the newly created posts,

(9)

which are under process.

5. Applicants in rejoinder state that as they are already in service of respondents, it is not necessary to wait for framing of recruitment rules and even if it was necessary, it is respondents' fault for not framing them till now.

6. We have heard applicants' counsel Shri Agarwal. The departmental representative appeared for respondents.

7. During the course of hearing, applicants' counsel invited attention to MA No. 1506/99 filed by them enclosing a copy of Gazette Notification dated 30.9.97 communicating revised pay scales for certain common categories of Staff including those office staff working in Organisations outside the Secretariat. From this Notification dated 30.9.97 it would appear that the authorities had proceeded on the basis that the existing scale of Librarian was Rs.1400-2600 and the revised scale applicable w.e.f. 1.1.96 was Rs.5500-9000. Applicants' counsel seeks to strengthen his argument on the basis of this notification and contends that even the benefit of this notification had not been extended to applicants who were drawing revised pay of only Rs.4000/-.

8. There is merit in the contention of applicants that their fitment in the revised pay scales should not pend indefinitely merely because respondents have not fulfilled their responsibility of finalising the recruitment rules for the newly created posts. In the reply filed on 6.5.98 it was stated that finalisation of the recruitment rules were in progress, but despite the passage of 2 years, the RRs have still not been finalised which is very unfortunate.

(20)

9. We dispose of this OA with a direction to respondents to take a final decision regarding fitment of applicants in the pay scales introduced by OM dated 24.7.90 and subsequently revised from time to time within 3 months from the date of receipt of a copy of this order. For this purpose if the RRs have still not been finalised by that date, respondents should consider taking a final decision on the basis of the draft recruitment rules. No costs.

Kuldeep
(KULDIP SINGH)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)

/ug/