

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A.NO.35/97

New Delhi, this the ^{Sept. 2} 4th day of ~~August~~, 2000

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Surendra Bhakta S/O Late Inder Deo
Bhakta, Aged about 40 yrs., R/O 392,
Devli, New Delhi.

Working as Pharmacist in the Office of
2, RES BN, C.I.S.F., Saket, New
Delhi-17.

.....Applicant.

(By Advocate: Sh. A.K.Trivedi)

Versus

1. Union of India through its
Secretary, Ministry of Home
Affairs, North Block, New Delhi.

2. Director General, Central
Industrial Security Force, Block
No.13, C.G.O.Complex, Lodhi Road,
New Delhi-3.

....Respondents

(By Advocate: Sh. R.P.Agarwal)

O R D E R

Hon'ble Mr. S.A.T. Rizvi, Member (A):

The applicant's grievance is that instead of granting the pay scale of Rs.1350/-2200/- to him from 1.1.86, the respondents have placed him in that scale from 5.12.96. His contention is that the respondents should have re-designated him as Pharmacist in terms of the Govt. of India's letter No.7-21/55-D, dated 19.7.55 (Annexure-D), issued by Ministry of Health. The respondent's contention is that since the applicant's earlier designation of Compounder has been changed to that of a Pharmacist by the respondents only from 5.6.96, it is not possible to place the applicant in the said scale w.e.f. 1.1.86.

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2. We have heard both the learned counsel for the parties and have perused the records.

3. We have come across several problem areas in so far as the attitude of the respondents is concerned in the matter of grant of the above scale of pay to the applicant from 1.1.86. Firstly, it has not been clarified by the respondents in unequivocal terms as to why and, based on what reasoning, they could not re-designate the post of Compounder to that of a Pharmacist in line with the aforesaid letter of the Ministry of Health. It is seen from the record that, at one stage, the respondents had yielded some ground in the matter and had sanctioned the above-mentioned scale of pay in favour of the applicant on a provisional basis, and this was done on 19.1.89. Subsequently, without assigning any reasons, the respondents withdrew the above scale and placed the applicant instead in yet another scale of pay which was supposed to be the replacement scale of pay for the post of Compounder. Lastly, in their letter/order dated 5.6.96, the respondents have simply stated that the Ministry of Home Affairs have not agreed to the grant of the above scale of pay (Rs.1350-2200) w.e.f. 1.1.86. It was also mentioned that they had agreed to re-designate the post as above w.e.f. 5.6.96 and granted the scale of pay of Rs.1350-2200/- with effect from the same date, namely, 5.6.96 (Annexure-A). What essentially stands out in this case is that the respondents have never ever passed a speaking and a reasoned order in response to the representations filed by the applicant.

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4. In the circumstances, noting that a simple change in the designation is involved, the OA is disposed of with a direction to the respondents to review the matter and if necessary, consider making amendment to the relevant rules so as to grant the scale of pay of Rs.1350-2200/- to the applicant w.e.f. 1.1.86 on par with the other Central Police Organisations in terms of the letter of the Ministry of Health dated 19.7.55. The respondents are further directed to take a final decision in the matter as far as possible within a period of two months from the date of receipt of a copy of this order under advice to the applicant and after affording full opportunity to him to state his case. The respondents are also directed to pass a speaking and a reasoned order enabling the applicant to agitate the matter further, if necessary, in an appropriate forum or in a court of law.

No order as to costs.

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(S.A.T.RIZVI)
MEMBER (A)

/sunil/

Lakshmi Somathe

(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)