

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2155/2000

9

New Delhi, this the 15th day of October, 2001

Hon<sup>ble</sup> Mr. Justice Ashok Agarwal, Chairman  
Hon<sup>ble</sup> Shri Govindan S. Tampi, Member (A)

Anil Mathew  
S/o Shri V.V. Mathew  
R/o G-6/251, Sector-16  
Rohini, New Delhi.

...Applicant.

(By Advocate Shri Vikas Kumar)

V E R S U S

1. Lt. Governor  
National Capital Territory of Delhi  
5, Sham Nath Marg  
New Delhi.
2. Joint Secretary  
Medical-II  
Medical & Public Health Department-II  
Technical Recruitment Cell  
Jawahar Lal Nehru marg  
New Delhi.
3. Medical Superintendent  
Maulana Azad Medical College  
New Delhi.

...Respondents

(By Advocate Ms. Sumedha Sharma)

O R D E R (ORAL)

By Hon<sup>ble</sup> Shri Govindan S. Tampi.

Shri Anil Mathew, the applicant has prayed for the grant of the scale of pay of Rs. 4000-6000/-, granted to similarly placed employees, with consequential benefits.

2. Heard Shri Vikas Kumar and Ms. Sumedha Sharma, learned counsel for the applicant and the respondents respectively.

3. The applicant who was recruited as Jr. Radiographer by the <sup>SSC</sup> ~~SCD~~ and posted to Maulana Azad Medical College Hospital, where he continues to work. He had at the time of recruitment, after the adoption

Corrected as per direction  
in Memo 963/2002  
Hb  
25/3

of the recommendations of the Vth Central Pay Commission in terms of the CCS (Revised Pay) Rules, 1997, the Radiographer's pay which stood at Rs. 1350-2000/- which revised to Rs. 5000-8000/- while those Radiographers having minimum qualification of two years diploma/certificate after 10+2 were to be placed in the scale of Rs. 4000-6000/-. The applicant was admittedly a matriculate (not 10+2) with two years diploma in Radiography. The applicant is still seeking the replacement scale of Rs. 4000-6000/- and is impugning the order dated 5-10-1999, which has denied him the same on the ground that he had not acquired the requisite qualification i.e. 10+2. Shri Vikas Kumar, learned counsel for the applicant invites our specific attention to para 10 of his application, wherein it is averred that all those selected along with him, but placed in different Hospitals have already been elevated to the revised new pay scale of Rs. 4000-6000/- in view of the CCS (Revised Pay) Rules, 1997. He has also enclosed the list of such individuals who have been granted the scale of Rs. 4000-6000/-. Besides, he refers to the advertisement dated 26-11-1999 of the DSSSB for the post of Jr. Radiographers with the pay scale of Rs. 4000-6000/- whereunder the educational qualification has been mentioned as Matriculation or Higher Secondary or Senior Secondary with Science (10+2) with Certificate (2 year course) in Radiography. Or Diploma (2 year course) in Radiography or B.Sc. Radiography or Radiological Technology (2 years). On this ground also, his application deserves acceptance, pleads the applicant.

4. Contesting the above, Ms. Sumedha Sharma, learned counsel for the respondents submits that the applicant had been granted the correct replacement scale for Rs. 975-1540/-, which was Rs. 3200-4900/-, which alone he was entitled in terms of his academic qualification. She further avers that the applicant has not at all been discriminated among the staff in MAMC Hospital and no such discrimination has been proved by him. Therefore, according to the learned counsel, the applicant was not entitled for any relief.

5. We have carefully considered the matter and perused the material on record. While the applicant states that he has not been given the correct replacement scale, which is according to him is Rs. 4000-6000/-, the respondents urge that he was not entitled for this scale on account of his lesser academic qualification of matriculation instead of 10+2. On the other hand, the applicant has referred to a few cases of individuals, who have been recruited along with him by the Staff Selection Commission on the same qualification and posted to various Hospitals in Delhi.

6. In the circumstances, we are disposing of this OA with direction to respondent <sup>No. 2</sup> (No. 4) to examine the case of the individual with specific reference to his claim that those persons who were recruited along with him on selection by the <sup>SSC</sup> (SCC) on the same educational qualification and posted to the Hospitals in Delhi as Jr. Radiographers were given the scale of Rs. 4000-6000/- and if it is found to be so to

Corrected as per  
direction of Court  
dt 20-3-2002 in  
nt 463/2002  
28/3

consider the grant of the same pay scale to the applicant also. If by any chance, they are not able to do so, they shall pass an reasoned and speaking order explaining the circumstances. This exercise shall be completed within three months from the date of receipt of a copy of this order. No costs.

12

(Govindan S. Tampi)  
Member (A)

/vikas/

(Ashok Agarwal)  
Chairman