

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA.2377 of 1989

New Delhi, dated this the 2<sup>nd</sup> of May, 1994.

Shri C.J. Roy, Hon. Member(J)

Shri P.T. Thiruvengadam, Hon. Member(A)

Smt. Indu Mahajan,  
W/o Shri Vijay Kumar,  
R/o C-8/196, D.D.A. Flats,  
Lawrence Road, New Delhi.

...Applicant

By Advocate: Shri K.P. Dohare with Shri P.M. Ahlawat  
versus

1. Union of India through  
The Secretary,  
Ministry of Health,  
Nirman Bhawan,  
New Delhi.

2. The Principal/Medical Superintendent,  
Smt. Sucheta Kriplani Hospital,  
Bhagat Singh Marg,  
New Delhi.

...Respondents

By Advocate: Shri Madhav Panickar.

O R D E R

By Shri P.T. THIRUVENGADAM

The applicant was appointed as Stewart (ad hoc) w.e.f. 11.5.76 in the pay scale of Rs.260-400 in the Lady Hardinge Medical College (LHMC- in short) and later as Dietician in the pay scale of Rs.425-700 in Smt. Sucheta Kriplani Hospital (SSKH- in short) from 13.11.85 till July 1987, when she left the above SSKH to join G.B. Pant Hospital as Dietician in the pay scale of Rs.550-900. It is her case that the pay scale of Stewart and Dietician were respectively 330-560 and 550-900 in other Central Government Hospitals namely Dr. Ram Manohar Lohia Hospital (RMLH- in short) and Safdarjung Hospital. This OA has been filed for declaration that the applicant is entitled to difference in pay scales between the hospitals, where she had been working, and other hospitals where the grade was higher for payments thereon.

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2. The learned counsel for the applicant argued that a number of representations were given by the applicant right from the beginning when the applicant was affected, but no reply was given to him. The main argument advanced was that the four hospitals mentioned in para 'supra' are all in the same administration namely, Central Government and grant of different pay scales for the same post in different hospitals is unreasonable and discriminatory. It is also claimed that the applicant possesses the same qualification or even higher than the minimum prescribed qualification for all the hospitals.

3. The respondents in their reply have stated that the Central Government hospitals have ~~the~~ separate recruitment rules for each post, which contains the qualification required for the post and scale of pay depending upon the work load and special features of each hospital. Specifically, the duties and responsibilities for the post and scale of pay differ in SSKH vis-a-vis RMLH, where the staff of RMLH are required to look after the nursing home, which is not the case in other institutions. The learned counsel for the respondents also drew our attention to another official communication, wherein, it has been mentioned that Stewart in the LMHC is required to possess two years experience in Kitchen Management, whereas, the Stewart in RMLH is required <sup>to possess</sup> two years experience in Kitchen Management and Catering. This additional Catering experience is due to the fact that RMLH is having a Nursing Home for Senior Government officers, VIPs, Ministries etc. In reply it has also been mentioned that a proposal to revise upwards the pay scales of Stewarts and Dieticians

in the LHMC and SSKH at par with other Central Government Hospitals has already been made out and had been submitted to DDHS/Ministry of Health and Family Welfare and that a decision on this is awaited.

4. We have heard the learned counsel for both parties. We note that the issue raised is still under consideration of the authorities. We also note the averments in the ~~reply~~ counter to the effect that the pay scales have been fixed depending upon the essential qualifications, duties and responsibilities etc. With regard to duties and responsibilities involved, the applicant could only produce certain Specialised Committee Report on guidelines for standardised hospital diets. On perusal, we find that this report has not ~~been~~ dealt in detail with the duties being performed by the various grades of staff in Central Government Hospitals. Other than this, no specific material was advanced to bring out that the applicants are comparable in every respect with others, who have been granted higher pay scales. In any case, we note that the respondents are themselves considering the revision of pay scales. It is not <sup>expected</sup> that the Tribunal should go into the question whether two posts which appear to be same and similar, should carry equal pay, the answer to which depends upon several factors namely evaluation of duties and responsibilities of the respective posts. The Hon. Supreme Court in the case of State of U.P vs. J.P. Chaurasia (AIR 1989 (SC) 19) has observed that this task should be left to the expert bodies like the Pay Commission etc.

5. As observed earlier, the respondents are themselves siezed of the issue and are considering the proposal to revise the pay scales of Stewart and Dietician in LHMH and SSKH at par with other Central Government Hospitals.

6. In the circumstances, the only order that can be passed is to direct the respondents to consider the case of the applicant and pass a speaking order within 4 months from the date of communication of this order with regard to prayer made in this OA, which is cited (supra).

7. Before parting <sup>with</sup> the judgement, we would like to record that the respondents counsel Shri Madhav Panicker was directed by the Bench to look into the matter under Rule 11(4) of the Administrative Tribunal Act (Procedural Rules) 1985. Accordingly, Shri Madhav Panicker, in the absence of the previous counsel (who is no more in the panel of counsel for the respondents) assisted the court.

In the circumstances, for the reasons mentioned above, We direct that the counsel for the respondent Shri Madhav Panicker be paid in accordance with the schedule.

8. With the above orders and directions, the OA is disposed of. No costs.

P. J. Thiruvengadam

(P.T. THIRUVENGADAM)  
MEMBER(A)

(C.J. ROY)  
MEMBER(J)

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