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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: DELHI
.....

Regn. No.OA-1139/86

Date: 5.1.1988

Mrs.J.Morrison

... Applicant.

Vs..

1.Union of India
through the Secretary
Ministry of Health & Family
Welfare,
Nirmal Bhavan,
New Delhi-110 011.

2.The Director General of
Health Services,
Nirman Bhavan,
New Delhi-110 011.

3.The Principal & Medical Superintendent,
Lady Hardinge Medical College & Hospital,
New Delhi-110 001.

.... Respondents.

For applicant

....Shri K.L.Bhatia,
Advocate.

For respondents.

....Mrs.Raj Kumari
Chopra, Advocate.

CORAM : Hon'ble Mr. B.C. Mathur, Vice Chairman.

JUDGEMENT

This is an application under Section 19 of the Administrative Tribunals Act, 1985 against non-revision of applicant's scale of pay at par with the pay scales of other Physical Instructors of Delhi Administration or identical post of Physical Directors in the Colleges under the control of the Government of India. This application is based on ^{the principle of} equal pay for equal work.

2. The applicant was appointed in the Lady Hardinge Medical College in November, 1962 in the pay scale of Rs.200-25-500 as Physical Instructress under the Directorate General of Health Services in the Ministry of Health & Family Welfare. The applicant is governed by the rules framed by the Central Government. The designation Physical Instructor is also known as Director of Physical Education and teacher under Delhi University. This has been mentioned in the Ministry of Education and Culture letter

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dated 15.12.1982 (Annexure I to Annexure IV) at page 19 of the application and Annexure III of the application. The pay scale for the post of Director/Instructor of physical education has been shown as Rs.700-1600/-. The applicant has been recognised as a teacher of the University for all purposes and all the terms, conditions and facilities provided to the teachers of the Delhi University are mutatis-mutandi applicable to him. The pay scale of the applicant was revised from Rs.200-500/- to Rs.440-750/- on 20.5.1974 with a concurrent financial loss to the applicant, as the rate of annual increment was reduced from Rs.25/- to Rs.15/- in the revised pay scale. The Department of Education had decided that the post of Director/Instructor in Physical Education in various Universities/Colleges should be upgraded and their pay scales be revised. It has been stated that in other Colleges affiliated to the University of Delhi the pay scale for the post has been as follows:

Rs.400-800/-	since	19.6.1961.
Rs.400-950/-	since	1.4.1966.
Rs.700-1100/-	since	1.1.1973
Rs.700-1600/-	since	1.4.1980

The applicant has been representing for revision of pay at par with the incumbents of the post of Directors/Instructors of Physical Education in other Colleges as they perform identical and similar duties but no action has been taken on such representations.

3. The applicant^{and} has filed a Misc. Application bringing out the fact that in a similar case No.OA-853/86, Shri R.C.Mittal Vs. Union of India and Others, this Tribunal has decided that Shri Mittal was eligible to get the revised pay scale as applicable to Physical Directors/Instructors in other Institutions and Colleges of Delhi Administration and Government of India. The learned Advocate

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for the applicant has stated that the facts of the case and the prayer made in the applicant's case are identical and similar in all respects to that of the case of Shri R.C.Mittal, who was also appointed as Physical Instructor in the Maulana Azad Medical College on 14.5.1965 in the scale of Rs.200-500/-. He said while the pay scale of the applicant was revised from Rs.200-500/- to Rs.440-750 on 25.5.74, in the case of Shri Mittal it was revised to Rs.400-750/- from 28.5.76. He said that like Shri Mittal, the applicant possess the necessary qualifications and experience as prescribed for the posts of Physical Director/ Instructor and that the instructions issued by the Government of India, Ministry of Health & Family Planning letter No. F.7-13/66 ME/UG/ dated 18.8.1966 and Ministry of Education and Culture - letter No.F.2-1/82 U.1 dated 15.12.1982 mentioned in the judgement of Shri Mittal's case are equally applicable to the applicant. The learned Counsel for the respondents does not dispute the fact in the case and accepts that this case is similar to the case of Shri R.C. Mittal already decided by this Tribunal. It does not appear necessary to go into all the details and it is directed that the directions in the case of Shri R.C.Mittal would also apply in the present case. The applicant is entitled to the same pay scale as admissible to other Physical Director/ Instructor in other institutions under the Delhi Administration. ^{Her} ~~His~~ pay scale under the recommendations of the Third Pay Commission and the Fourth Pay Commission should also be refixed after fixing his pay in the appropriate scale as recommended by the Second Pay Commission or UGC for similar posts which should be Rs.400-800/-. The respondents are directed to refix the pay scale of the applicant accordingly and all arrears should also be paid

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to her from the date pay scales have been revised in respect of Physical Directors/Instructors in other institutions under Delhi Administration or the Central Government.

Fixation of pay and payment of arrears should be completed within a period of six months from the receipt of these orders by the respondents.

There will be no order as to costs.


(B.C. Mathur)
Vice Chairman