

Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. OA-474/87

Date: 20.1.1989.

Dr. (Smt.) Chandrama Anand Applicant

Versus

Union of India & Others Respondents

For the Applicant Shri B.R. Kalyanpurkar,
Advocate

For the Respondents Smt. Raj Kumari Chopra,
Advocate.

CORAM: Hon'ble Shri S.P. Mukerji, Vice-Chairman (Admn.).

(Judgement of the Bench delivered by Hon'ble
Shri S.P. Mukerji, Vice-Chairman)

In this case, the applicant, who was working in the Specialist Grade of Rs. 600-1300 since 18.2.1967 in the Lady Hardinge Medical College, New Delhi, has challenged the manner in which his pay has been fixed in the revised scale of Rs. 1100-1800 w.e.f. 1.1.1973. Though, after repeated representations the respondents, i.e., the Ministry of Health, fixed his pay in the revised scale of Rs. 1100-1800 at Rs. 1400/- per month w.e.f. 1.6.1973, instead of giving him arrears of higher revised pay from that date, ~~the same have~~ ^{the same have} ~~it has~~ been allowed to him w.e.f. 1.4.1982.

2. I have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. Two identical cases were decided by me in the Principal Bench in my common judgement dated 10.11.1987 in OA-269/87 and OA-312/87. All the arguments advanced ^{in this case} by the respondents were taken into account, including the judgement of the Calcutta Bench of the Tribunal in

OA-79/88. I came to the following conclusion in the aforesaid two cases.

"8. Since in the instant two cases there is no rational basis for fixing a date of 1.4.1982 and there is no nexus between this date and the objective of removing the anomaly in pay fixation, we have no doubt in our mind that fixing this date has been quite arbitrary and has to be struck down. If it is not struck down, we will let the anomaly survive inasmuch as between 1.6.1973 and 1.4.1982, senior Grade II doctors would have got less pay than the GDOs in the lower grade. Since the objective of the stepping up of pay is to remove such an anomaly, ~~now~~ an introduction of arbitrary date of 1.4.1982, not only does not sub-serve the objective in view but violates it.

9. In the facts and circumstances, we allow both the applications and modify para.1 and set aside the penultimate paras of the impugned order No.A-26014/7/85-CHS-V, dated 9.3.1986 in the first case and No.A-26014/142/78-CHS-V dated 11th March 1986 in the second and direct that the applicants should be allowed arrears of pay on the basis of the stepping up of their pay w.e.f. 1.6.1973 instead of 1.4.1982. In the circumstances, there will be no order as to costs. A copy of this order may be placed in both the aforesaid two files."

3. In view of my aforesaid finding, I allow this application with the direction that the applicant should be paid ^{all} ~~arrears~~ of pay and allowances on the basis of the stepping up of her pay w.e.f. 1.6.1973 instead of 1.4.82. The payment should be made good within two months from the date of communication of the judgement. In the circumstances, there will be no order as to costs.

S.P. Mukerji
26.1.89
(S.P. Mukerji)
Vice-Chairman(Admn.)