

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:NEW DELHI

OA No.1292/90

Date of Decision:3.7.1990

MP No.1513/90

Smt. Indu Raji & Ors.

Applicants

Versus

Union of India

Respondents

For the Applicants

Shri R.K. Kamal, Advocate

For the respondents

None

Coram: Hon'ble Shri T.S. Oberoi, Member (judl.)

Hon'ble Shri I.K. Rasgotra, Member (Admn.)

JUDGEMENT (ORAL)

(Delivered by Hon'ble Shri I.K. Rasgotra)

MP-1513/90

By filing this MP, 7 applicants have sought permission to agitate their grievance in a single application. The MP is allowed.

OA-1292/90

Seven applicants in this application working as Senior Physio-therapist in various hospitals of the Indian Railways had filed an application OA 45/87 before the Central Administrative Tribunal, New Bombay Bench, which was decided on 16.5.1988. The Tribunal in that case, gave the following directions:

"We therefore, direct the respondents - both the Railways and the Ministry of Finance - to undertake such a comparative evaluation now and if they find that the duties and responsibilities of Senior Physiotherapists in the Railways are equal in every respect to those of similar officials in the Central Government Health Service or in Civilian Defence Hospitals then to give to the former the same pay scale as that of the latter without going into such irrelevant considerations as to whether it will have repercussion on other institutions."

In accordance with these directions, the representatives of the applicants were given a hearing in the Board's office by a Member of the Board on 20th September, 1988. The order challenged by the applicants is the decision of the Railway Board communicated to the General Manager, Central Railway, Boambay on 15.2.1989 (page 13 of the paper book) in this regard.

2. The learned counsel for the applicants in support of his contentions has made the following points:-

(i) That the Minister of state for Railways on 27.6.1983, (page 22 of the paper-book) had recommended the case of the Sr. Physiotherapist, to the then Minister of State (Finance), for up-gradation of the post of Physiotherapist on the ground that the financial implication would be marginal and that this action would result in morale boosting of the Senior Physiotherapists working in the Railway hospitals. The proposal was for upgradation of 17 posts of Senipr Physiotherapists from Group 'C' Grade (Rs. 650-960) to Group 'B' Grade (Rs.650-1200). This proposal, however, did not get the approval of the Government of India.

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ii) That there are no promotional avenues whatsoever for the Senior Physiotherapists, working in the Railway hospitals and that they, retire from the posts in the same scale of pay, in which they joined, if the present situtation is allowed to continue.

The learned counsel further argued that the accepted facts given in the letter written to the Minister of Finance by the Minister of State for Railways cannot be negatived by the lower authorities. He submitted that there is no indication in the Ministry of Railway letter of 15.2.1989 if the same has had the approval of Minister of Railways.

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3. We have considered the arguments of the learned counsel for the applicant and also perused the papers submitted along with the OA. We find that the Ministry of Railways has reviewed the position carefully evaluating the duties and responsibilities of the post of Senior Physiotherapists in the railway hospitals and those obtaining in other hospitals of the Government of India, like Ram Manohar Lohia Hospital, and that they have reasonably covered this aspect in paragraph 6 of the Ministry of Railways letter of 15.2.1989. The Ministry of Railway have also not found any justification for upgrading the post of Senior Physiotherapists to Group 'B'. On a query from the Court if the Recruitment Rules for the post are available, Shri Kamal, learned counsel for the applicants stated, that he did not have the same readily available. He, however, emphasised that there are no promotional avenues available for the Senior Physiotherapists, working in the Railway hospitals and that it was necessary to provide such promotional opportunity in the light of the decision of the Supreme Court in CSIR Vs. K.G.S. Bhatt, AIR 1989 (2) Supreme Court 341.

4. While we do not see any case for establishing parity between various posts in the railway hospitals and other hospitals as this is a matter to be decided essentially by the Departmental Authorities having regard to the duties and responsibilities of the respective posts in question, there seems to be merit in the argument that promotional avenues need to be provided where there is none in the interest of efficiency of administration. The respondents will do well to review the position of the cadre in question in totality, with a view to providing suitable positions for the career progression of senior Physiotherapists in railway hospitals in the interest of promoting administrative efficiency, if indeed no promotional avenues exist at present.

5. The OA is disposed of with the above directions to the respondents at the admission stage itself. Issue dasti.

6. If the applicants feel aggrieved by the final disposal as per our directions, they will be at liberty to approach the Tribunal.

I.K. Rasgotra
(I.K. Rasgotra)
Member (A) 37/90

T.S. Oberoi
(T.S. Oberoi)
Member (J)