

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(12)

OA No. 2398/90

..

Date of decision: 13.11.92

Smt. Renu Dar

..

Applicant

Versus

Union of India & Ors. ..

Respondents

For the applicant ..

Sh. K.L. Bhatia, Counsel

For the respondents ..

Sh. M.L. Verma, Counsel.

CORAM

Hon'ble Sh. P.K. Kartha, Vice Chairman (J)

Hon'ble Sh. B.N. Dheundiyal, Member (A)

1. Whether Reporters or local papers may be allowed to see the Judgement ?
2. To be referred to the Reporters or not ?

JUDGEMENT

(Of the Bench delivered by Hon'ble
Sh.B.N. Dheundiyal, Member(A))

Smt. Renu Dar, a School Teacher working in Kalawati

Saran Childrens' Hospital, New Delhi is aggrieved by the denial of pay and allowances as available to these teaching in regular Schools.

2. The applicant has been working as School Teacher in the Kalawati Saran Childrens' Hospital, New Delhi since 17.8.60. She possesses the essential qualification for the post of School Teacher, being MA in Hindi and also qualified as Teacher for Mentally Handicapped. The initial pay of the applicant was fixed at Rs. 250/-, and she was

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later given pay scale of Rs. 425-700 after implementation of the recommendations of the IIIrd Pay Commission. She has been performing dual duty of School Teacher and a Special Educator for the mentally retarded children of different ages. The pay scales of the School Teachers were revised in March 1975 and the Medical Superintendent of Kalawati Saran Childrens' Hospital also sponsored proposals for revision of her pay from Rs. 425-700 to Rs.550-900. After protracted correspondence, she was told that an Anomalies Committee has been set up for settling issues arising out of recommendations of the IVth Pay Commission. A detailed representation was submitted by her seeking the scale of pay of Rs. 1640-2900, which has been fixed for Selection Grade Primary Teachers. She has not received a single promotion ever since she joined the service. She has prayed that her pay be fixed in the scale of Rs. 550-900 from the date it was given to other School teachers and in the scale of Rs. 1640-2900 w.e.f. 1.1.86 and arrears and interest thereon may be paid.

3. The respondents have contended that the equation of pay as between different posts is primarily the function of ^{Govt}

the executive and not of the Court as held by this Tribunal in case of Jagat Narayanan Vs. U.O.I.; 1989 (10) ATC 755.

Such matters should be left to the Expert Bodies like the Pay Commission and the Courts/Tribunals are ill equipped for this task. Only sick children upto 12 years are admitted in the Hospital who would at the most be studying at the level of VIth Standard. No books of prescribed syllabus are kept in the Hospital and usually pictorial and story books are made available for the recreation of the child patients.

4. We have gone through the records of the case and heard the learned counsel for both parties. It is a fact that the applicant is occupying an isolated post which combines the duties of a School Teacher as well as a Special Educator. She was in the scale of pay of Rs. 425-700 on the basis of IIIrd Pay Commission, whereas for the School teachers at that time the scale of pay was Rs. 325-700. Had she been the part of the school system, her pay scale would have been automatically revised to Rs. 550-900 in terms of Ministry of Finance OM dated 29.3.75. It is also correct that in such isolated posts chances of promotion

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are virtually non-existent and even though the applicant has been working for the last 32 years, she did not get any promotions.

5. In the facts and circumstances of the case, we are of the opinion that the respondents have an obligation to consider fairly and objectively the plea of the applicant and the length of service put in without any promotion by her. We, therefore, feel in the interest of just and fair play that she should be treated on par with ~~the~~ Primary Teachers and be given the pay scale of Rs. 550-900 like primary teachers, from the date it was implemented in the Schools of Delhi Administration. Any subsequent revisions of this scale should be automatically made available to her.

6. The respondents shall comply with the aforesaid directions, expeditiously and preferably, within a period of three months from the date of receipt of this order.

7. In the circumstances of the case, we do not order payment of any interest on the arrears due to her.

There will be no order as to costs.

B. N. Dholiwal
(B.N. Dholiwal) 13/11/92
Member (A)

Parry
13/11/92
(P.K. Kartha)
Vice Chairman (J)