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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, N. DELHI

....

O.A. No. 2678 of 1990

New Delhi, this the 19th December, 1994.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)
HON'BLE SHRI S.R. ADIGE, MEMBER (A)

1. Om Parkash s/o Sh. Vishwanath,
R/o D-2, 354 Nand Nagri, Delhi.
2. Om Bir Singh s/o Ram Mehar Singh
r/o Village Mari Kalan, P.O. Khekra,
Distt. Meerut.
3. Gopal Mehto s/o Shri Mahangher Ram,
R/O A-25, GTB Complex, Shahdara,
Delhi- 95.

Applicants.

(By none)

Versus

Delhi Administration through

1. Secretary (Medical) 5,
Sham Nath Marg, New Delhi.
2. Guru Teg Bahadur Hospital,
through its Medical Suptt.,
Shahdara, Delhi.

R espondents.

(By none)

JUDGEMENT (ORAL)

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

The applicants have jointly filed this application for the common relief that by the order dated 11.6.1988 the revision of scale of certain categories of Union Territory employees was undertaken and there was a sanction of the President that the workshop staff in the pay scale of Rs. 950-1400/- be placed in the scale of pay of Rs. 950-1500/-. The applicants made a representation in August, 1990 to the Medical Superintendent

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Guru Teg Bahadur Hospital, Shahdara, Delhi that the applicants are working as Carpenter and have all the educational qualification as prescribed by the Delhi Administration in the recruitment rules for the post of Carpenter. The post of Carpenter is a group - 'C' post and have the pay scale of Rs. 950-1400/-. In L.N.J.P. Hospital, all the carpenters are drawing the pay scale of Rs. 950-1400/- but the applicants are made to draw the pay scale at Rs. 750-940/-. The representation of the applicants have not been acceded to, therefore, they have filed this application in December, 1990 and prayed for the grant of reliefs that the applicants are eligible to the scale of 950-1400/- with the directions to the respondents to grant the same ~~scale of~~ pay as admissible to the post of carpenter as per the recruitment rules followed by the Delhi Administration and re-fix their pay in the scale of Rs. 950-1400/- with effect from the date of appoint as Carpenter. They have also claimed arrears and consequential benefits.

2. The respondents in their reply opposed the grant of the relief stating that the petitioners were appointed as Carpenter in the pay scale of Rs. 750-940/- in the year 1987-88 and have been working as such since then. However, their representation for ^{as also averred in the Amended Application} upgradation of posts in the grade of Rs. 950-1500/- has been forwarded to Delhi Administration for consideration but decision in this regard is awaited. The applicants were appointed to Group-'D' posts of Carpenters in the scale of pay of Rs. 750-940/- as the posts in the Hospital requires light nature of duties to be performed with respect to the post in other attached offices of Delhi Administration.

The respondents, however, has conceded that the applicants have requisite qualification for the post of Carpenter but since the post of Carpenter in the pay scale of Rs. 950-1400/- is a Group-'C' post that will not entitled them to claim pay in group - 'C' because the applicants were appointed in Group-'D' post in the pay scale of Rs. 750-940/-. The respondents, however, forwarded their case for consideration of Delhi Administration reply of which is awaited.

3. We have also gone through the rejoinder filed by the applicants. The applicants have reiterated their stand on the basis of recommendation made by the Hospital authorities to the Delhi Administration to consider upgrading of the post from Group-'D' to Group-'C' to entitle them to the scale of Rs. 950-1400/-

4. The applicants have filed an application for condonation of delay under section 21(3) of the A.T. Act, 1985. The delay in filing the application is that the applicants were waiting the result of the result of the respondents in granting them the relief prayed for which is in continuation of cause of action. By another amendment application, the applicants have prayed for the grant of the scale of pay of Rs. 950-1400/- as per the 5th Pay Commission recommendation and all benefits on account of that with arrears.

5. This case has been on board since last more than three months but none appears for the applicant.

6. In the present circumstances of the case, since the matter of the applicants has already been referred to Delhi Administration

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we only ^{direct} ask the Delhi Administration to consider the matter of applicants for upgradation of post seeing to the job requirement, the recruitment rules and the responsibilities and duties shouldered by the Hospital Staff vis.a.vis. the same staff i.e. Carpenters working in other attached offices of Delhi Administration.

7. The application, therefore, is disposed of with the above direction with no order as to costs. The applicants shall also free to press their claim before the 5th Pay Commission through proper channel. *no costs.*

S.R. Adige
(S.R. ADIGE)
MEMBER(A)

J.P. Sharma
(J.P. SHARMA)
MEMBER(J)

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