

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. NO. 1375/2004

NEW DELHI THIS 14TH DAY OF FEBRUARY 2005

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI S.A. SINGH, MEMBER (A)

Ms Sushila Rohatgi,
D/o Late Shri A B Rohatgi,
R/o 713, Laxmi Bai Nagar,
New Delhi -110023 (working as Senior Hindi Officer, with respondent No.1)

.....Applicant

(By Shri R N Singh, Advocate)

VERSUS

1. Indian Council of Medical Research (ICMR)
Ansari Nagar, Post Box 4911,
New Delhi - 110029
(Through : The Director General)

2. Union of India, through

i) Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi - 110011
(Through: The Secretary)

ii) Department of Official Languages,
Ministry of Home Affairs,
Lok Nayak Bhawan, Khan Market,
New Delhi -110003
(Through: The Secretary)

.....Respondents

(By Shri Satish Kumar, advocate)

ORDER (ORAL)

BY HON'BLE SHRI S.A. SINGH

The applicant who was Hindi Translator in the scale of Rs.425-700 /- was subsequently appointed as Senior Hindi Officer, in the scale of Rs. 2200-4000/- , with respondent No.1.

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2. The applicant pleaded that the respondent No. 1 has made an error in grant of the scale of Rs.2200-4000/- as the prescribed scale for the post of Senior Hindi Officer is Rs.3000-4500/- . She made a number of representations for grant of the pay scale of Rs.3000-4500/- but the same has not been agreed to, despite , the issue of clarifications to respondent No.1 ² issued by the nodal agency i.e. Respondent 2 (ii). A committee constituted under Smt. Shailja Chandra had also recommended that the applicant be given the scale of Rs.3000-4500/- ^{and} requested Respondent No. 2(i) to accept this decision, vide letter 30.6.2000, but in vain.

3. The applicant has impugned order dated 02.01.04 informing her that her demand cannot be acceded to unless a work study is done. Aggrieved by this order she has prayed for quashing of the impugned order and granting of the pay scale of Rs.3000-4500/- (Revised Rs.10000-15200/-) with consequential benefits.

4. We heard counsel for the parties and we find that the operative part of the impugned order reads as under:

"Smt. Rohtagi is hereby informed that the Ministry of Health & family Welfare vide their letter No. V.25011/26/96-R dated 24.6.03 has informed that the proposal with regard to rectification/revision of pay scale of Sr. Hindi officer has been considered by them in consultation with the Deptt. Of Expenditure who have clarified that there is no justification for up-gradation of the post unless a work study is done for the said post."

4. Though in the above order the respondents have clarified that there is no justification for up gradation of the post unless a work study is done for the said post, they have, however, indicated to the applicant vide their order dated 11.3.2004 that her case for rectification of pay scale of Sr. Hindi Officer is being taken up with Ministry of Health & Family Welfare for their re-consideration . The order reads as under:


" Reference her representation dated 5.1.2004 regarding rectification of pay scale of Sr. Hindi Officer at the Council.

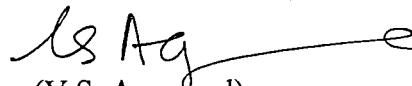
Smt. Sushila Rohtagi is hereby informed that her case for rectification of pay scale of Sr. Hindi Officer is being taken up with Ministry of Health & Family Welfare for their re-

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consideration. It is being impressed that the case has already been approved by E.C. and the pay scale is as under Central Secretariat Official Language Service (Group 'A' & 'B' posts) Rules 1983. The SIU is generally for the organization not for individual post. She will be informed as and when a decision is communicated by the Ministry."

5. In view of the above and because the matter is under consideration with the Ministry of Health & Family Welfare, we would not like to express ourselves [^]on the merit of the case and dispose of this OA with the directions that Respondent No. 2 would consider the controversy pertaining to the applicant and also the recommendations of 11.3.2004 from the Indian council of Medical Research along with co-related facts and pass an appropriate order including Work Study, if required, within four months of the receipt of the certified copy of the present order.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman.

Patwal/