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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. NO. 891/2004

New Delhi, this the 10th day of February, 2004

**HON'BLE MR. SHANKER RAJU, MEMBER (J)
HON'BLE SHRI S.K. MALHOTRA, MEMBER (A)**

1. Smt. Harvinder Kaur,
W/o Harcharan Singh,
R/o 129, Vikaspuri,
New Delhi – 110 018
2. Smt. Savita Nayyar,
W/o Shri V.K. Nayyar,
R/o 2/333, Subhash Nagar,
New Delhi – 110 027

... Applicants

(By Advocate : Shri S.P. Malik)

Versus

1. Union of India
Through its Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi-110 001
2. The Director,
Central Government, Health Scheme,
Nirman Bhawan, New Delhi
3. Shri S.K. Chopra,
Admn. Officer (NZ),
Central Government, Health Scheme,
Office of the Addl. Director (NZ),
New Rajinder Nagar, New Delhi-110 015

... Respondents

(By Advocate : Ms. S. Chatterjee, proxy for Sh. D.S. Mahendru)

ORDER

By Hon'ble Mr. S.K. Malhotra :

The prayer made in this OA is that the applicants may be granted the pay scale of Rs.6,500-10,500/- as the second financial upgradation under the Scheme of ACP as has

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been allowed in the case of Pharmacists vide order dated 09.12.2003 (Annexure A/5) with all arrears and interest accruing thereon.

2. The applicants joined the respondents-department as Lady Health Visitor (LHV) and were granted the first ACP in the scale of Rs.5,000-8,000/- w.e.f. 9.8.1999 and second ACP in the scale of Rs.5,500-9000/- w.e.f. January, 2001. It has been contended that the entry scale for both LHV and Pharmacist was the same, i.e., Rs.4,500-7,000/-. While the applicants have been given the second financial upgradation in the scale of Rs.5,500-9,000/-, the Pharmacists have been given the second financial upgradation in the pay scale of Rs.6,500-10,500/-. It is stated that both the posts are technical posts. The applicants have been discriminated against. Hence the OA.


3. The respondents in their counter reply have taken the stand that under the ACP Scheme the financial upgradations have been given to Pharmacists in accordance with the instructions issued by the DOP&T vide OM dated 9.8.1999. In the case of Pharmacists, there is a hierarchy in the grade to the posts of Senior Pharmacists in the pay scale of Rs.5,000-8,000/- and Asst. Depot Manager in the pay scale of Rs.6,500-10,500/-. As against this, there is no hierarchy in the grade of LHV and this is considered to be an isolated post. The two financial upgradations granted in the case of LHVs are also in accordance with the instructions issued by the DOP&T vide OM dated 9.8.1999, according to which the standard pay scale as mentioned in Annexure-R/3 to the above instructions are applicable in case of an isolated post. The LHVs have, therefore, been rightly granted pay scales of Rs.5,000-8,000/- and Rs.5,500-9,000/- as the first and second financials upgradations respectively. Their case, therefore, cannot be compared with that of the Pharmacists, who have two hierarchical posts in their line of promotion.


4. We have heard the learned counsel for the parties and have also gone through the pleadings on record.

5. The grant of financial upgradations under the ACP Scheme is required to be granted in accordance with OM dated 9.8.1999 issued by the DOP&T. According to

para 7 of the conditions for grant of benefit under this Scheme, in the cases of isolated posts, in the absence of hierarchical grades, financial upgradation is required to be given in the immediately next higher pay scales as indicated in Annexure-R/3. The applicants were earlier in the pay scale of Rs.4,500-7,000/-, which is S-8 grade as mentioned in Annexure R/3 and they have been given financial upgradations under the above Scheme in the grade of S-9 and S-10. The first financial upgradation has been in the grade of Rs.5,000-8,000/- and second in the pay scale of Rs.5,500-9,000/-. The applicants, therefore, cannot compare themselves with the benefit given to the Pharmacists under this Scheme, which has a hierarchy as already explained above. The identical pay scale at the induction level of both the posts cannot be the criterion for granting financial upgradations under the ACP Scheme.

6. In view of the above, we do not find any merit in the OA and the same is accordingly dismissed with no order as to costs.


(S.K. Malhotra)
Member (A)


(Shanker Raju)
Member (J)

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