

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2230/93

New Delhi: Dated this the 4<sup>th</sup> day of JANUARY, 2000.

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH, MEMBER (J)

1. Sh. Anil Kumar Tyagi  
S/o Shri R.S. Tyagi  
Working as Refractionist,  
Civil Hospital,  
5, Rajpur Road,  
Delhi - 54.  
R/o B-361, Delhi Admn. Flats,  
Timarpur,  
Delhi-110007.
2. Ravinder Kumar  
S/o Sh. Munshi Lal Tyagi,  
Working as Refractionist,  
in GTB Hospital, Delhi Shahdara-31,  
R/o 153, New Layalpur Colony,  
Delhi-51.
3. Miss Madhu Gupta  
D/o Late M.P. Gupta  
Working as Refractionist  
School Health Services  
R/o H.No.1604, Sector 4,  
Urban Estate,  
Gurgaon.
4. Mrs. Vibha Bagai,  
D/o R.K. Malhotra,  
Working as Refractionist,  
School Health Scheme,  
Directorate of Health Services,  
Delhi Administration,  
R/o D/I/18, Rajouri Garden,  
New Delhi - 110027.
5. Sh. Raj Kumar Sharma  
So Sh. Hari Dutt Sharma  
Working as Refractionist, D.H.S.,  
Under Delhi Administration,  
R/o W-162, Sector 12, NOIDA,  
(Ghaziabad).
6. Sh. Rajender Prasad  
S/o Shri Mahavir Prasad,  
Working as Refractionist,  
S.H.S., Directorate of Health Services,  
Delhi Administration,  
R/o C/A/68, Tagore Garden,  
New Delhi - 110027.

(By Advocate: Shri J.C. Madan )

Versus

(b)

1. The Union of India,  
through Secretary,  
Ministry of Finance,  
North Block,  
New Delhi-1
2. The Secretary,  
Ministry of Health & Family Welfare,  
Department of Health,  
Govt. of India,  
Nirmal Bhawan,  
New Delhi-11.
3. The Secretary (Medical),  
Govt. of National Capital Territory of Delhi,  
Sham Nath Marg,  
Delhi-54. .... Respondents.

(None for respondents)

ORDER

BY HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicants who are Refractionists in different hospitals and School Health Scheme under the Directorate of Health Services of Govt. of NCT of Delhi and are in the scale of Rs. 1200-2040, seek the scale of Rs. 1350-2200 w.e.f. 1.1.86 which they claim is being paid to their counterparts in Municipal Corporation of Delhi and CGHS with all consequential benefits, on the principle of equal pay for equal work.

2. We have heard applicants' counsel Shri Madan. None appeared for respondents. We have perused the materials on record and given the matter our careful consideration.

3. A reply has been filed by Respondent No. 3 in which it has been stated that the pre-revised scale for the post of Refractionist in Central Hospitals/MCD/CGHS was Rs. 380-640/- whereas the post of Refractionist in Govt. of NCT of Delhi carried the scale of Rs. 330-560/-.

(A)

The 4th Pay Commission recommended the revised scale of Rs. 1350-2200 for pre revised scale of Rs. 380-640/- and Rs. 1200-2040 for pre revised scale of Rs. 350-560/-. Since the pay scale of the post of Refractionist in Central Govt. Hospitals was already higher than that of Refractionists in Delhi Administration Hospitals it has not been found possible to agree to the prayer.

4. No reply has been filed on behalf of Respondent No. 1 or Respondent No. 2.

5. From the aforesaid reply which is somewhat sketchy there is nothing to indicate whether the claims of applicants for pay and allowances admissible to Refractionists working in OGHS/MCD w.e.f. 1.1.86 have been examined by Respondents on the basis of similarity, if any of educational and experience qualifications (essential as well as desirable) service conditions, functions, duties and responsibilities and other relevant criteria as laid down in a catena of judicial pronouncements.

6. In the facts and circumstances of the case, the OA is disposed of with a direction to Respondent No. 3 in consultation with Respondents No. 1 and 2 to examine the claims of applicants for enhancement of their pay scale and take a decision whether the same should be enhanced to Rs. 1350-2200 w.e.f. 1.1.86 so as to bring them at par with the Refractionists in OGHS/ MCD, after taking into account the nature of duties, responsibilities, requisite qualifications, mode of recruitment and other relevant facts while applying the principles of 'Equal pay for Equal work' in accordance with the settled law, rules and instructions, and also the recommendations

A

(18)

of the 5th Pay Commission. They shall pass a reasoned and speaking order in case they are rejecting the claim of the applicants for enhancement of the pay scales with intimation to them. Necessary action in this regard shall be taken as expeditiously as possible and preferably within six months from the date of receipt of a copy of this order.

7. The OA is disposed of in terms of para 6 above.  
No costs.

*Kuldeep*  
( KULDIP SINGH )

*Intdgi.*  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

/ug/