

**Central Administrative Tribunal
Principal Bench**

**OA No.632/2021
MA No.812/2021**

New Delhi, this the 19th day of March, 2021

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**



Pranaita Gusain,
D/o Surender Singh Gusain,
W/o Rajinder Singh,
R/o P-8/B, MES Officers Enclave,
Kotwali Road, Delhi Contonment,
Delhi-110010.

...Applicant

(By Advocate : Shri Himanshu Mehra)

Versus

1. Union of India,
Through Secretary,
Ministry of Defence,
South Block,
New Delhi-110001.
2. The Director General,
Armed Forces Medical Services,
Integrated Headquarters,
Adjutant General Branch,
Block-M, New Delhi.
3. The Director General,
Medical Services (Army),
3B, Adjutant General Branch,
Integrated Headquarters,
Block-L, New Delhi.
4. The Director,
Medical Services (Civ),
Integrated Headquarters of MoD (Army),
Adjutant General Branch,
Block-L, Delhi.
5. The Commandant,
Base Hospital,
Delhi Contonment,
Delhi.

...Respondents

(By Advocate : Shri Kumar Onkareshwar)



: O R D E R (ORAL) :

Justice L. Narasimha Reddy:

The applicant is working as Occupational Therapist (OT) in the Base Hospital in Delhi Cantonment. She filed a representation to the Integrated Headquarters of the Ministry of Defence, stating that the Grade Pay of the OT in DGMS (Navy) is Rs.5400/-, whereas the Grade Pay of the OT in Base Hospital is Rs.4200/-. She also claimed parity of the pay structure.

2. On behalf of the respondents, a reply was issued on 21.01.2021, stating that a similar plea was raised before the Lucknow Bench of the Tribunal in OA No.05/2018 and in compliance with the directions issued therein, an order was passed on 15.02.2018, stating that the post of OT in DGMS (Navy) is governed by SRO MP 281 dated 10.12.2002 whereas the post of OT in DGMS (Army) is governed by SRO 43 dated 17.06.2011. It was also mentioned that the qualifications for the two posts are different and, as such, the claim of parity of pay scale between two posts cannot be accepted. This OA is filed challenging the order dated 21.01.2021.



3. The applicant contends that the nature of duties discharged by the OTs, who are in the hospitals of Navy or Army, are the same and that there is no justification to maintain the disparity.

4. We heard Shri Rohit Sharma, learned counsel for the applicant and Shri Kumar Onkareshwar, learned counsel for the respondents, at the stage of admission.

5. The applicant claims parity of Grade Pay, and thereby, the entire pay structure, on par with OTs in DGMS (Navy). Things would have been different altogether, had it been a case where the method of recruitment and qualifications for both the posts are same. In the order dated 15.02.2018, passed in compliance with the directions issued by the Lucknow Bench of the Tribunal in OA No.05/2018, the respondents have furnished detailed reasons, explaining as to how the two posts are different. For example, in sub-paras 'a' and 'b' of Para 4, it is mentioned as under :-

“(a) Post of Occupational Therapist carrying pay scale of Rs.8000-275-13500(Pre-revised) in DGMS (Navy) is governed by provisions contained in SRO MP 281 dated 10 December 2002. The



essential qualification for the post is as under :-

- (i) Bachelor's Degree in Science from a recognized university or equivalent.
- (ii) Degree of Bachelor of Occupational Therapy from a recognized university or equivalent.

(b) Post of Occupational Therapist carrying pay scale of Rs.5500-175-9000(Pre-revised) in DGMS(Army) is governed by provisions contained in SRO 43 dated 17 June 2011. The essential qualification for the post is as under :-

- (i) Degree in Occupational Therapy form a recognized University or Institute.
- (ii) Two year experience in occupational therapy in a Hospital or Medical Institute.”

6. When such is the difference, both as regards the set of Rules and the qualifications for the two posts, it is just impermissible to accept the similarity of pay scale.

7. Therefore, we do not find any merit in the OA and the same is accordingly, dismissed. There shall be no order as to costs.

Pending MA No.812/2021 shall stand disposed of.

(A.K. Bishnoi)
Member (A)

rk/ns

(Justice L. Narasimha Reddy)
Chairman