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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Registration O.A. No. 281 of 1986.

Dr. Janardan Pandey Applicant.

Versus.

Union of India & others Respondents.

Hon. Ajay Johri, A.M.

Hon. G.S. Sharma, J.M.

By this application filed under section-19 of the Administrative Tribunals Act, 1985, the applicant who is working as a Research Officer (Ay) in the Pharmacopocial laboratory for Indian Medicine (PLIM) aggrieved by non-granting of non-practicing allowance and post graduate allowance, has approached this Tribunal for the relief of grant of the same on the ground that some of the posts to which he is eligible for promotion and which are also non-clinical for example Advisor (ISM) in the Ministry of Health, Deputy Advisor (Ay) Ministry of Health, Deputy Advisor, Unani, Ministry of Health and Assistant Advisor, are allowed non-practicing allowance ^{3/} though _{3/} that they are non-clinical posts. The applicants case is that he had represented for the payment of the non-practicing allowance and the post graduate allowance and by a letter dated 30.4.1986, the respondents had advised him that the matter ^{3/} was under consideration in consultation with them (Ministry of Finance) but, no decision has been communicated to him. Instead a stand had been taken by the respondents in the reply that has been filed to this application that since non-clinical posts in the C.G.H.S. are not allowed non-practicing allowance and the applicant is occupying one such post in I.S.M, he is not entitled for the same. The applicant urges that he is more qualified than some of those persons who have been made eligible

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for the same and therefore he has been discriminated against.

The applicant ~~has~~ however not been able to support his

demand for these two allowances on the analogy of such

allowances being paid in other systems of the Medicine or
~~or~~ on similar posts.

C.G.H.S. He has however stated in para-5 of his written arguments that NPA & PGA has been granted to the physicians of C.G.H.S and Municipal Corporation of Delhi, who are in the

same scale of pay as the Research Officer. ~~This submission~~

~~This submission does not seem to have much force~~ because

~~physicians~~ ~~which~~ are of a clinical nature while Research Officers

will basically belong to the category of non-clinical jobs.

However since the respondents had advised the applicant on 30.4.1986, that the matter was under examination and no detailed communication of the result of the examination has been communicated to the applicant, we feel that perhaps the matter has not yet

been finally ~~changed~~ ~~clashed~~ ~~by~~ of the Ministry of Health and Family welfare may be still having the matter under consideration.

2. ~~order~~ Be it ~~as made~~ ^{as it may}, we feel that a proper examination

of the request for the payment of non-practicing allowance and

post graduate allowance to such of the qualified doctors, who are

~~employed~~ ^{doing} ~~on~~ the clinical work and are ~~not~~ ^{doing} ~~of~~ the clinical

work, needs a thorough and proper examination. We accordingly

direct the respondents to examine the question in detail comparing

the position in various systems of medicine and C.G.H.S and ~~to~~

~~arriving~~ ^{Conclusion} at a positive ~~on~~ the request made by the applicant.

This examination must be completed within three months from the date of receipt of this order.

3. Application is disposed of in the above terms. We make no order as to costs.

Subartha
Member (J)

Subartha
Member (A)

Dated: 29th June, 1989.

brc/