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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
XXXXXX XXXXXXXX XXXXXXXX

O.A. No. 581 of 1987.
XXXXXX

DATE OF DECISION 25.3.1991

Dr. Ramesh G. Shah

Petitioner

Mr. R.T. Dave

Advocate for the Petitioner(s)

Versus

Space Application Centre

Respondent

Mr. P.M. Rayal

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. Trivedi Vice Chairman

The Hon'ble Mr. R.C. Bhatt Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

(6)

Dr. Ramesh G. Shah,
B/14, Ratilal Park,
St. Xavier's School Road,
Ahmedabad-380 014.
(Advocate - Mr. R.T. Dave)

.. Applicant

Versus

Space Applications Centre,
Jodhpur Tekra,
SAC P.O.,
Ahmedabad-380 053.
(Advocate - Mr. P.M. Raval)

.. Respondent

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman

Hon'ble Mr. R.C. Bhatt .. Judicial Member

O.A. No. 581 of 1987

O R D E R

Dated : 25.3.1991

Per : Hon'ble Mr. P.H. Trivedi .. Vice Chairman

Learned advocate Mr. R.T. Dave for the applicant present. Although the case was called out in the morning, as the learned advocate for the respondents was not present we decided to give him one more opportunity to be heard and called out the case in the after-noon at 2.30 p.m. However, learned advocate for the respondents has not appeared. It is also seen that he had wanted to produce the D.O. letter of 13th November, 1987 which we had allowed on 22nd February, 1991 and in that order stated that only for this reason the matter was adjourned for few weeks. We are constrained to observe that inspite of seeking adjournments, neither has the said D.O. letter been produced nor learned advocate for the respondents appeared. In the ^{expul} circumstances, we have decided to dispose of the case ~~on~~ on merits.

2. The basis of the petitioner's case is that he has

been paid fixed remuneration of Rs. 500/- per month since his appointment on 30.9.1987 as Part Time Medical Officer at Antrixnagar dispensary. The petitioner claims that the Part Time Medical Officer at Vijaynagar dispensary is being paid Rs. 650/- per month since 1986. Therefore, as different remuneration has been paid to different part time appointees, there is discrimination. By their reply, the respondents have taken the plea that difference in remuneration arises from the numbers of patients assigned to different dispensary being different. As stated in para 5 of the reply "this was mainly because of the fact that Vijaynagar dispensary had more beneficiaries attached to it. The Jodhpur Teksa (Antrixnagar) dispensary had beneficiaries numbering about 100 as against about 700 attached to Vijaynagar dispensary."

3. Learned advocate for the petitioner, during hearing stated that whether the number of patient is ~~large~~ or small, Part Time Medical Officers are expected to spend the same period of two hours and that therefore does not afford a proper ~~base~~ for distinguishing among them for fixing different remuneration.

4. After hearing the learned advocate for the petitioner and perusal of the pleadings, we find that the fixation of different remuneration for different dispensaries cannot be regarded as irrational. The contention of the respondents of Vijaynagar dispensary having more beneficiary has not been disputed by the petitioner so far as the facts are concerned. Therefore, the respondents have established that the Vijaynagar dispensary has a larger number of beneficiary and therefore there is a foundation for distinguishing the remuneration of its Medical Officer from that of the petitioner. We, therefore, do not find that the petitioner has established any case for illegal,

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distirmination and therefore the petitioner has not satisfied us about the merits of the case.

5. In the result, we do not find the petition to have any merit and reject the same. No order as to costs.

rcb
(R C Bhatt)

Judicial Member

PHT
(P H Trivedi)
Vice Chairman

*Mogera