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Date of decision: April 3, 1991.

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Versus

Respondents.

M/s. J. N. Acharya,

B. B. Mishra,

S.C.Ghosh, Advocates.

Mr. Tahali Dalai,

Addl. Standing Counsel (Central)

C O R A M:

THE HONOURABLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed to see the judgment? Yes.

2. To be referred to the Reporters or not ? No

3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T

N. SENGUPTA, MEMBER (J) The applicant has been working as a Junior Technician

in the Office of the Regional Director, Health and Family

Welfare, Bhubaneswar since 19.1.1984. He has approached this

Tribunal to direct the respondents to enhance his scale of pay

to Rs.1350-2200/- which is being given to the Technicians

working in the Office of the Director General, Health

Services, Government of India and if that is not possible, to

award him the pay scale of Rs.1200-2040/- of the Technician

(Occupational Therapy) working in the Office of the Director General, Health Services, Government of India. The plea advanced by the applicant is that his work is comparable to the work of the Technicians and Technicians (Occupational Therapy) working in the Offices of the Director General, Health Services, Government of India.

2. The respondents in their counter affidavit have maintained that there is difference in the work, duties and performed by the applicant and those of the technicians and Occupational Therapists of the Office of the Director General, Health Services and because of this that the Third Pay Commission recommended different scale of pay for the aforesaid categories of staff. The respondents have indicated the type of job performed by the applicant vide paragraph 3 of their counter affidavit and maintained that the job performed by the applicant is not the same or similar to the job performed by the Technicians and Occupational Therapists of the Office of the Director General, Health Services, Government of India and as such, the applicant cannot be entitled to the parity in the pay scale prescribed for those two posts.

3. We have heard Mr. J. N. Acharya, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel (Central) and went through the relevant papers. Mr. Acharya has indicated the duties of the applicant in Annexure-8 to the rejoinder and has maintained that the duties of the applicant are comparable to the duties of the Junior Technicians and Occupational

Mr. Acharya
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Therapists. Mr. Dalai does not accept the contention. This is a technical matter and for its proper appreciation certain amount of expertise is necessary. Mr. Tahali Dalai has drawn our attention to Annexures-6 & 7 to the rejoinder of the application. Annexure-6 is a copy of the letter written by the Secretary, All India Malaria Workers' Association, Bhubaneswar Branch to the Hon'ble Minister, Ministry of Health and Family Welfare, New Delhi requesting the Minister to remove the disparity in the scale of pay between the same category of employees and the technical staff of all Regional Offices ~~and working~~ as Paramedical staff under Director General of Health Services in the Office of Director National Malaria Eradication Programme. Annexure-7 dated 25.5.1990 is a copy of the reply sent on behalf of the Director, National Malaria Eradication Programme to the Branch Secretary of All India Malaria Workers Association. In this letter it has been mentioned that the matter was under consideration of the Government of India and that as soon as decision would be taken, all concerned would be informed of the decision. In view of this Mr. Dalai avers that some more time is necessary to finalise the matter and no decision may be taken by the Tribunal which may hamper the process of consideration by the Government of India. Mr. Acharya however on the other hand has maintained that the matter has already taken long time and it should be finalised without any further delay. We hereby direct that the matter should be considered as expeditiously as

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- at the latest -

possible, ^{at the latest} within four months from the date of receipt of a copy of this judgment. Incase the applicant still feels aggrieved with the decision of the Government of India, he is at liberty to approach this Tribunal.

4. This application is accordingly disposed of.

No costs.

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Vice-Chairman

Mea 3.4.91
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Member (Judicial)

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
April 3, 1991/Sarangi.

