

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.296 of 1989.

Date of decision : August 16, 1990.

Dr. M. M. Poddar ... Applicant.

Versus

Union of India and others ... Respondents

For the applicant ... M/s. P. Palit,
B. Mohanty,
A. K. Kanungo,
S. K. Mohanty, Advocates.

For the respondents Mr.Tahali Dalai,
Additional 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)

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.

JUDGMENT

N.SENGUPTA, MEMBER (J) The applicant joined as Medical Officer under the Dandakaranya Development Authority in 1982 on ad hoc basis. Subsequently his ad hoc appointment was regularised. The grievance of the applicant is that he was not paid salary in the same scale of pay as persons in the Central Health Services though he performed the same duties as the

Doctors in the Central Health Services.

2. We have heard Mr.B.Mohanty, learned counsel for the applicant and Mr.Tahali Dalai, learned Additional Standing Counsel (Central) for the respondents. Mr.B.Mohanty has drawn our attention to page 10 of the application i.e. paragraph 4.6 where an extract of a letter issued by the authorities of the Department has been given. In reply to this Mr.Dalai has contended that the applicant belonged to Class II of the Medical Service whereas the Central Health Services Doctors are Junior Class I officers. Therefore, they are entitled to a higher scale of pay i.e. Rs.700-1300/- and being a Class II Officer, the applicant is to get Rs.650-1200/-, as per the recommendations of the Third Pay Commission. We are relieved of dilating much in view of a judgment of this Bench delivered in O.A.389 of 1988 on 28.2.1988 where all the contentions presently raised were dealt with at length. In that judgment this Bench in paragraph 3 referred to the extract of the letter quoted in paragraph 4.6 of this application and also all the contentions about the difference in status as urged presently by Mr.Dalai and it opined that as there was no difference in the nature and content of the duties of the two sets of doctors, the case came within the purview of ^{to} decision of the Hon'ble Supreme Court in Randhir Singh v. Union of India and others reported in AIR 1982 SC 879 and ~~we~~ ultimately directed that the Medical Officers appointed even on a ~~d~~ hoc basis as Project Medical Officers under the Dandakaranya Project were entitled to draw salary in the scale of Rs.700-1300/-. In that case the present respondents were

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also respondents. Therefore, the decision in that case would operate, though not as res judicata, as estoppel by record against the respondents.

3. In the result, the applicant succeeds and he would be entitled to the pay scale prescribed for Junior Class I Doctors in the Central Health Services, during the period he worked as Medical Officer in the Dandakaranya Project, as revised from time to time. This judgment be implemented within a period of four months from the date of receipt of a copy of it by the respondents.

4. This application is accordingly disposed of leaving the parties to bear their own costs.

Kumar
..... 16.8.90
Vice-Chairman

Abdul
..... 16.8.90
Member (Judicial)



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
August 16, 1990/S. Sarangi.