

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 513 of 2011

wednesday, this the 08th day of August, 2012

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

1. P.S. Vambathi, aged 44 years,
S/o. Late A.P. Syed,
Puthiya Surambi House,
Kadamath, U.T. of Lakshadweep.
2. T. Hameed, aged 42 years,
S/o. Late Abdul Rahiman,
Melai Illam Houe,
Amini, U.T. of Lakshadweep.

..... **Applicants**

(By Advocate – Mr. M.P. Krishnan Nair)

V e r s u s

1. The Union of India,
rep. by Secretary to the Government,
Ministry of Home Affairs,
North Block, New Delhi-110 001.
2. The Administrator,
Union Territory of Lakshadweep,
Kavaratti-682 555.
3. The Director of Medical and Health Services,
Union Territory of Lakshadweep,
Kavaratti-682 555.
4. District Employment Officer,
District Employment Exchange,
U.T. of Lakshadweep,
Kavaratti-682 555.

..... **Respondents**

**[By Advocates – Mr. Varghese P. Thomas, ACGSC (R1) &
Mr. S. Radhakrishnan (R2-4)]**




This application having been heard on 31.07.2012, the Tribunal on 08-08-12 delivered the following:

ORDER

By Hon'ble Mr. K. George Joseph, Administrative Member-

This Original Application is filed for a declaration that the applicants are entitled to get up-gradation of pay scale of Rs. 4500-7000/- to Rs. 5000-8000/- w.e.f. 1.1.1996 and also to upgrade their pay to the pay band of Rs. 9300-34800/- plus grade pay of Rs. 4200/-.

2. The applicants at presently working as Laboratory Technicians in the Community Health Centres at Kadamath and Amini Islands in the Union Territory of Lakshadweep. They have the qualification of pre-degree with Science and certificate course for medical laboratory technology. While implementing the Vth Pay Revision even though the commission had recommended the scale of Rs. 5000-8000/- for Laboratory Technician as a whole the laboratory Technicians in Lakshadweep were not given that scale. They have been representing to the Lakshadweep administration as well as to the Central Government in this regard. The Laboratory Assistants working in the Education Department in the Lakshadweep Administration with less educational qualification than the applicants have been given the pay scale of Rs. 9300-34800/- with grade pay of Rs. 4200/- as per the VIth Pay Commission Recommendation. The Lakshadweep Administration has been recommending the case of the Laboratory Technician to the Government but so far no action has been taken. Their final representation dated 28.5.2011 has also failed to produce any positive result. Hence, the Original



Application.

3. The respondents in their reply statement submitted that up-gradation of the pay scale of all posts under the Lakshadweep Administration is to be done only with the approval of the Government of India. No approval has been received so far for upgrading the scale of pay of Laboratory Technician from the Ministry of Health. The case of the applicants had been taken up with the Ministry on 21.1.2011 by Annexure A6 for approval of up-gradation of pay scale as per the recommendations of the VIth Pay Commission. The respondents have no dispute as to the recommendations of the Pay Commission.

4. We have heard the learned counsel for the parties and perused the records.

5. The long standing demand of the applicants is forwarded by the Lakshadweep Administration to the 1st respondent vide letter dated 21.1.2011 at Annexure A6. As the scale of pay of the posts under Lakshadweep Administration is regulated with the approval of the concerned Ministry of the Government of India, the 1st respondent in the instant case has to consider and decide the question of granting the pay band and grade pay to the applicants. It is regrettable that no action has been so far taken on their representations.

6. Under these circumstances the 1st respondent is directed to consider the



representations (Annexure A7) annexed with Annexure A6 and dispose of the same by a speaking order and communicate the same to the applicants within a period of four months from the date of receipt of a copy of this order.

7. Original Application is disposed of as above with no order as to costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

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