

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 586/98

Thursday the 23rd day of April 1998.

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR S.K. GHOSAL, ADMINISTRATIVE MEMBER

K.C. Muhammedali Akbar
Asst. to Homeopathic Physician
Amini, Union Territory of
Lakshadweep.

...Applicant.

(By advocate Ms.U.P.Seemanthini)

Versus

1. Union of India represented by
the Secretary to Govt. of India
Ministry of Health & Family Welfare
New Delhi.
2. The Administrator
Union Territory of Lakshadweep
Kavarathi.
3. The Director of Medical & Health Services
Directorate, Kavarathi
Union Territory of Lakshadweep. ...Respondents.

(By advocate Mr PR Ramachandra Menon)

The application having been heard on 23rd April 1998, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

Applicant was appointed as Assistant to Homeopathic Physician in the scale of pay of Rs. 1200-2040 at the Homeopathic Dispensary, Amini, Union Territory of Lakshadweep. Pharmacists in Allopathic Medicines were being given the pay scale of Rs. 1350-2200 on the acceptance of the Fourth Central Pay Commission. A Pharmacist working in Ayurvedic Medicines sought extension of the same pay scale and the same being denied, he approached the Tribunal and the Tribunal in its final order directed extension of the same pay scale to the Pharmacists in Ayurvedic Medicines as applicable to Pharmacists in Allopathic Medicines (Annexure A-8).

This direction of the Tribunal was implemented by the Lakshadweep Administration (Annexure A-9). The applicant in this case had also been clamouring for extension of the pay scale but his representation in that regard was turned down by the Lakshadweep Administration on the ground that unless the Govt. of India, Ministry of Health & Family Welfare concurred, it would be impossible to grant the pay scale. However, as far back as in September 1987, U.T. of Lakshadweep by Annexure A-4 letter, the Administrator had suggested that it would be in the fitness of things to extend to the Pharmacists of Homeopathy also the pay scale as applicable to the Pharmacists in Allopathic Medicines. Still the applicant has not been favoured with a positive reply in this regard. Therefore, the applicant has filed this application for a direction to the respondents to grant him the pay scale of Rs. 1350-2200 with effect from 29.8.87 with consequential benefits, declaring that the action of the respondents in not sanctioning and disbursing the scale of pay of Rs. 1350-2200 is illegal, arbitrary and in violation of the Central Civil Services (Revised Pay) Amendment Rule 1975 and 1988 issued by the Central Government.

2. When the application came up for hearing today, learned counsel for the applicant stated that as the representation was made by the applicant to the Administrator who could not be in a position to take an independent decision in regard to extension of the pay scale as is evident from Annexure A-4, the applicant may be permitted to make a comprehensive representation to the first respondent and the first respondent may be directed to consider the representation in the light of the recommendations made by the Administrator (A-4), the ruling of the Tribunal in the case of P. Pookoya, Ayurvedic Pharmacist (Annexure A-8) and the order issued by

the Administration in implementation of the A-8 order (Annexure A-9) and to give the applicant an appropriate order within a reasonable time. Learned counsel for the respondents stated that the respondents have no objection to the application being disposed of as suggested by the learned counsel for the applicant.

3. In the result, the application is disposed of with the following directions:

- (a) the applicant shall within 15 days from today make a representation to the first respondent projecting his grievances in regard to his pay scale enclosing copies of relevant materials like Annexures A-3, 4, 8 & 9.
- (b) the first respondent shall, within a period of three months from the date of receipt of such a representation, consider the grievances of the applicant, taking into consideration the order of the Govt. of India dated 5th October 1987 (Annexure A-3), letter of the Administrator addressed to the Secretary to Govt. of India, Ministry of Health & Family Welfare dated 30th Sept. 1987 (Annexure A-4), the order of the Tribunal in OA 1564/92 (Annexure A-8) and the order dated 22.8.94 of the Administrator implementing the Tribunal's order in OA 1564/92, and give the applicant a considered order. No order as to costs.

Dated 23rd April 1998.

(S.K. GHOSAL)
ADMINISTRATIVE MEMBER

(A.V. HARIDASAN)
VICE CHAIRMAN

aa.

List of Annexures

1. Annexure-A3: Office Memorandum No.F.No.1(74)IC/86-Vip(Rt) dt.5.10.87 issued by the Ministry of Finance, Govt. of India.
2. Annexure-A4: Letter No.F.5/11/87-DMHS(Estt)1716 dt. 30.9.87 issued by the Administrator, U.T. of Lakshadweep to the Secretary to Govt. Min. of Health & Family Welfare.
3. Annexure-A8: Order dt.24.11.93 in O.A.1564/92 passed by the Central Administrative Tribunal, Ernakulam Bench.
4. Annexure-A9: Order F.No.5/12/92 dt.22.8.94 issued by the Dte. of Medical & Health Services, U.T. of Lakshadweep, Kavaratti.
