

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.251/95

Thursday, this the 27th day of June, 1996.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Molly Mamman,
Health Inspector of Grade.I,
Medical Directorate,
Kavaratti. - Applicant

By Advocate Mr Sreeraj for Mr MR Rajendran Nair

Vs

1. Union of India represented by
Secretary to Government,
Ministry of Health and Family Welfare,
New Delhi.
2. The Administrator,
Union Territory of Lakshadweep,
Kavaratti. - Respondents

By Advocate Ms Beena for Mr MVS Nampoothiry

The application having been heard on 27.6.96 the Tribunal
on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a declaration that 'Theatre Trained
Nurse' in the pre-revised scale of Rs.500-900, is entitled to
be granted a scale higher than Rs.1640-2900. The basis of the
claim is that those 'Theatre Trained Nurses' in the lower
scale or Rs.455-700 (pre-revised) are placed in Rs.1640-2900 scale

and that those in the higher scale should be granted a higher scale on revision of scales. Applicant had approached us earlier with O.A.1268/92 and we directed the Government of India to consider her claim. This direction came to be made, due to an incorrect submission made by counsel for respondents.

2. 'Theatre Trained Nurses' were in two grades, Rs.455-700 and Rs.500-900. It was argued that the scale Rs.500-900 had escaped the attention of the Pay Commission. Counsel for respondents agreed with this submission. We observed:

"Admittedly, Rs.500-900 grade did not come up for consideration by the Pay Commission. Counsel for respondents has no case that Rs.500-900 scale was merged with Rs.455-700...There were no specific recommendations in the case of Theatre Trained Nurse in the pre-revised scale of Rs.500-900."

In view of these three submissions, we directed the Government to reconsider the matter. They reconsidered and rejected the request by A-1 finding that:

"The Fourth Central Pay Commission had clearly recommended the revised scale of Rs.1640-2900 for both the posts of Theatre Trained Nurses in Lakshadweep Administration in the pre-revised scales of Rs.500-900 and Rs.455-700 (Central Fourth Pay Commission Report Part.I, June 1986, P.277)"

This statement would show that the three admissions before us by counsel for respondents are incorrect. As we already noticed, counsel admitted that:

- a) Rs.500-900 grade did not come up for consideration of the Pay Commission,
 - b) Two scales namely Rs.500-900 and Rs.455-700 were not merged, and
 - c) There was no specific recommendations in the case of 'Theatre Trained Nurses' in the scale of Rs.500-900.
3. We read through the Pay Commission Report and we find:
- a) that the scale Rs.500-900 did come up for consideration,
 - b) that scales Rs.455-700 and Rs.500-900 were bunched together and granted a revised scale Rs.1640-2900, and
 - c) that there were specific recommendations in the case of 'Theatre Trained Nurses' in the pre-revised scale of Rs.500-900.
4. In an attempt to demonstrate that the statements in A-1 (quoting the Pay Commission Report) were incorrect, applicant produced a piece of paper A-6 without a heading or a foot note, describing it as the relevant prescription of revised pay scales. One would not be wrong in assuming that this was a calculated attempt to mislead the court, that could invite prosecution under Section 340 of the Code of Criminal Procedure. However, after hearing counsel for applicant, we take a charitable view and leave matters at that, at the same time expressing our displeasure at the irresponsible manner in which the applicant has made a verified statement before the Tribunal.

5. Our observations in O.A.1268/92 based on incorrect admissions are per incurium. The stand taken in A-1 order is perfectly valid in law and is in strict adherence with the recommendations of the Pay Commission, chapter and verse. The application is without even a remote semblance of merit and is dismissed with costs of Rs.500(Rupees five hundred), to respondents.

Dated, the 27th day of June, 1996.

P Venkatakrishnan
PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

H Sankaran
CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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