

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No. 56/2006

Date of order : 07.08.2007

C O R A M

HON'BLE MR. JUSTICE P.K. SINHA, VICE-CHAIRMAN
HON'BLE MR. AMIT KUSHARI, MEMBER[A]

Dr. Ranvir Singh Gahlawat, ... Applicant.

By Advocate : Shri G. Bose.

Vs.

Union of India & Ors. ... Respondents.

By Advocate : Shri S.C. Jha

O R D E R
(Dictated in Court)

Justice P.K. Sinha, V.C.:- Heard both sides.

2. The applicant is Veterinary Doctor in the SSB and had been working as such before the constitution of 5th Pay Revision Commission (PRC in short). The grievance is that though 5th PRC has submitted its report which has been implemented in connection with all other categories of the employees, but no benefit arising out of the recommendation of the Pay Commission has been granted to the applicant. In this regard, our attention has been drawn to para 55.291 of the report of Commission which may be reproduced as below:-

“ On the question of upgrading the Veterinary Officers uniformly and bringing them at par with medical doctors, we observe that a degree in Veterinary Science is comparable to an MBBS degree and holders of those degrees in both cases are registered and authorised to practice medicine,

authenticated health certificates and give evidence as experts under the Indian Evidence Act. We also feel that there is no apparent reason to keep one of the two categories in a lower status. We, therefore, recommend that posts requiring a degree of B.V.Sc. & AH with registration in the Veterinary Council of India as the minimum essential qualification may be placed in a common entry grade corresponding to the existing entry scale applicable to General Duty Medical Officers and Dental Doctors under the Government of India. Veterinarians should have complete parity with Dental and General Duty Medical Officers, as given in Annex 55.9, in terms of pay-scales and career prospects. In the matter of NPA, there is a small difference in the slabs over which a rate is applicable, resulting in Veterinary Officers getting lower NPA at some stages of the basic pay. In view of the suggested parity, educational and practice requirements, and the need to be available even outside duty, hors for domestic and farm animal health care. We recommend that Veterinary Officers should also be paid a Non-Practicing allowance at the rate of 25% of their basic pay as has been recommended for medical doctors."

3. Based on this, the applicant has come up for the following reliefs:-

- (i) For a direction to the respondents to implement the Fifth Pay Commission report by bringing parity between General Medical Doctors and Veterinary Doctors.
- (ii) To give effect to the parity in respect of the ACP to the Veterinary Doctors as per recommendation of the Fifth Pay Commission and other consequential benefits.

4. Our attention has also been drawn to another OA bearing No. 79/HP/2004 filed in the Chandigarh Bench of CAT which was disposed of by



order dated 28.07.2004 in which, though the prayers were not granted but the Tribunal noting that the implementation of 5th Pay Commission recommendations in respect of the Veterinary cadre in the SSB was under consideration with the MHA, had expressed hope and expectation that a decision in that regard would be taken by Govt. of India at an early date. Further attention has been drawn to the Memorandum issued by the Govt. of India in the Ministry of Home Affairs dated 19.07.2005 on the subject of the implementation of the CPC recommendation in respect of Veterinary Doctors intimating the communication received from the Ministry of Home Affairs which is to the following effect:-

“ Since the strength is yet to be decided in Veterinary cadre, we may suggest that the proposal may be submitted thereafter.”

5. More than 3 years time has elapsed even after expression of expectation and hope for an early decision by the Chandigarh Bench of CAT and two years have elapsed since the communication of the aforesaid letter dated 19.07.2005(Annexure A/10), but it does not appear that the situation has changed.

6. From the written statement of the official respondents it will appear that their claim is that the re-structuring of the Veterinary cadre in SSB has not been done so far and a proposal for the same is under consideration with the competent authority and it is for want of that re-structuring that the recommendation of the 5th PRC could not be processed. Further, in para 13 also it has been admitted that for the aforesaid reason, the recommendations of the 5th Pay Commission/Tikoo Commission could not be implemented.



7. Obviously, this is a case of non grant of the benefit that might have accrued from a decision of the Govt. of India on the recommendations of the 5th PRC relating to Veterinary Doctors cadre in the SSB, which report has come to be implemented for other services by the year 1999. Aptly it has been pointed out that whereas the recommendations of the 5th PRC are yet to be decided, the Central Govt. has already set up the 6th PRC, the recommendations of which are expected to come in near future.

8. Obviously, the benefit that might have accrued to the applicant more than 10 years back has been kept pending at some stage at MHA. It is high time that this matter gets urgent attention of the concerned authorities and a decision in that regard is taken expeditiously since the next PRC has already started functioning.

9. The respondents, therefore, are directed to take a decision about the implementation of the recommendation of the 5th PRC with regard to Veterinary Doctors, if necessary, by taking a decision about re-structuring of the cadre, preferably within a period of three months from the date of receipt of a copy of this order. On receipt of the decision taken by the Govt. of India in that regard, an order about implementation of that decision of Govt. of India should be passed soon thereafter.

10. With the aforesaid directions, this application is disposed of.

[Amit Kushari]/M(A)

srk.

[P.K. Sinha]/VC