

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH.
CAMP : NAGPUR

Original Application Nos. 564/89 & 790/90

~~Transfer Application No.~~

Date of decision 15.9.1993

Dr. Anand Baburao Tatte Petitioner

Shri P.N. Chandurkar Advocate for the Petitioner

Versus

Union of India & Ors. Respondent

Shri Ramesh Darda Advocate for the Respondent(s)

Coram :

The Hon'ble Shri Justice M.S. Deshpande, Vice Chairman

The Hon'ble ~~XXXX~~ Ms. Usha Savara, Member (A)

1. Whether the Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporter or not ? *NV*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *NV*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *NV*

U. Savara
(USHA SAVARA)
MEMBER (A)

M.S. Deshpande
(M.S. DESHPANDE)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

CAMP : NAGPUR

OA.NOs. 564/89 & 790/90

Dr. Anand Baburao Tatte

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Ms. Usha Savara

Appearance

Shri P.N.Chandurkar
Advocate
for the Applicant

Shri Ramesh Darda
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 15.9.1993

(PER: M.S.Deshpande, Vice Chairman)

The applicant in these two cases was appointed on 14.6.1979 as Deputy Director (Medical) National Civil Defence College, Nagpur under Respondents No. 1 to 3, who, by their letter dated 6.11.1979 directed him to teach Paramedics in B.E. (Fire Engineering) Faculty constituted under Respondent No. 4, Director, National Fire Services College, Nagpur. The duties of the Deputy Director (Medical) as mentioned in the letter dated 28.9.1977 (Annexure-IV) included :-

- "(i) Organisation of special courses at the National Civil Defence College for medical officers appointed at the State Headquarters,
- (ii) Preparation of precis and syllabi for the specialised courses in Civil Defence and revision of First Aid lectures and precis for other courses.
- (iii) Supervision of medical facilities for the trainees NFSC and NCDC.
- (iv) Setting up a model First Aid Post at NCDC and developing various training aids for teaching first,
- (v) Attending to sick trainees at NFSC and NCDC."

(9)

The duties thus specified did not include teaching.

By the letter dated 6.11.1979 addressed by the Deputy Secretary to the Govt. of India to the Director, National Civil Defence College, Nagpur, it was clarified that the duties of Deputy Director (Medical) includes teaching of Medical subjects for courses conducted by both the National Civil Defence College and National Fire Service College. The applicant performed all these duties including the teaching as required of him.

2. The teaching was in respect of theory and practical classes and examinations, regulated by the University of Nagpur for its degree of B.E. (Fire Engineering), recognised at par with university engineering degrees all over India. According to the applicant, the ~~working~~ teaching added to his work-load. A Local Enquiry Committee of Nagpur University in its report dated 6.7.1978 stated that well-qualified and experienced teaching staff should be appointed as mentioned in the report and it recommended ~~an~~ appointment of an Assistant Professor for Paramedics. By the letter dated 16.6.1988 (Annexure-II) from the Director (SP) Govt. of India, Ministry of Home Affairs, New Delhi to the Director, National Fire Service College, Nagpur, it was stated that the case of remuneration to the applicant was considered in the Ministry of Home Affairs and it had been decided that he was not entitled for any remuneration for taking classes on medical subjects at the National Fire Service College, Nagpur. The applicant made a representation on 1.12.1989 (Annexure-I) stating that his duties were not very different in nature from those of the teaching sub-cadres of the Central Health Services and that he possessed two post-graduate degrees in a medical subject and nearly seven years' experience of teaching the same in M.B.B.S. Degree Course of the University of Nagpur before he was assigned the duty to teach a medical subject in a post-graduate B.E. degree course and that certain financial benefits should be given to him as mentioned therein.

(T)

This representation has not yet been answered by the respondents.


3. The main question which arises for consideration is whether the applicant would be entitled to remuneration equivalent to that given in the C.G.H.S. or as recommended by the University Grants Commission for Asstt. Professor. It is not possible for us in the absence of proper material to decide upon the nature and extent of duties the applicant had been performing as Deputy Director (Medical) and the number and duration of classes he was teaching for the B.E. Engineering courses. This is a matter of equivalence which will have to be considered by the Government. It is apparent that when the applicant ~~was~~ came to be appointed as Deputy Director (Medical) on 14.6.1979, there was no clarification regarding the duties he had to perform and that was clarified only by the letter dated 6.11.1979 to which we have already referred to. The letter dated 16.6.1988 (Annexure-II) also reiterated that since the duty of Deputy Director (Medical) includes teaching, he was not entitled to any remuneration. Prima facie, it is difficult for us to accept the submission of the respondents that the applicant would not be entitled to any additional remuneration for the teaching he had to do pursuant to the Govt.'s orders and which he had been doing so far. The question is whether he should be given the C.G.H.S. scale of Rs.3,000-5,000 to be raised to Rs.3,700-5,000 after two years and Rs.4,500-5,700 after six years or the C.G.H.S. scale which have been mentioned in Annexure-I & II of the Rejoinder. Shri Chandurkar, learned counsel for the applicant urged that for those categories which fell outside the cadre for which the 3rd Pay Commission recommended scale, certain recommendations were made as replacement scale in Paras 47 to 49 of the recommendations which are to be found at Annexure-IV to the Rejoinder. Since the claim of the applicant in both

these applications cannot be decided unless his equivalence properly determines the nature and extent of his duties and what was to be his main function whether administrative or teaching is properly determined.

4. Instead of passing an order straight-away, we direct the respondents to constitute a Committee for determining these three questions and for recommending ^{the} a scale which should be given to the applicant with effect from the date on which he was called upon to teach the B.E. Engineering classes.

5. We direct the respondents to appoint such a committee within two months from the date of communication of this order. The Committee shall make its recommendations to the Government within three months from its constitution and the Government shall take a decision on the recommendations within two months thereafter. Any monetary benefits to which the applicant may be found entitled shall be given to him retrospectively from 6.11.1979. Both the applications are disposed of with these directions. Liberty to the applicant to approach the Tribunal should he feel aggrieved by the decision taken by the Government.

6. Liberty to the applicant to give a detail^{ed} representation within one month from today to the Government through the Director of the Institute.


(USHA SAVARA)
MEMBER (A)


(M.S. DESHPANDE)
VICE CHAIRMAN

mrj.