

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: MUMBAI

ORIGINAL APPLICATION NO. 570/2001

THURSDAY, THE 16TH DAY OF AUGUST, 2001

CORAM: SHRI JUSTICE ASHOK AGARWAL.  
SHRI G.C. SRIVASTAVA.

CHAIRMAN  
MEMBER (A)

Mrs. Harshada Talapadatur,  
employed as Sr. Lab Assistant,  
Government Medical Store Depot,  
under Chief Medical Officer,  
Belassis Road, Mumbai Central  
Mumbai-400 008. ... Applicant

By Advocate Shri Sai Kumar.

Versus

1. Union of India,  
through the Secretary,  
Ministry of Health & Family Welfare,  
Nirman Bhavan,  
New Delhi-110 001.
2. The Director General of Health  
Services, Mibnistry of Health &  
Family Welfare, Nirman Bhavan,  
New Delhi-11- --1.
3. The Dy. Director Genral of Health  
Services, Medical Stores  
Organisation, R.K. Puram,  
New Delhi-110 066.
4. The Chief Medical Officer  
In Charge, Government Medical  
Stores Depot, Belassis Road,  
Mumbai Central,  
Mumbai-400 008. .. Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal. Chairman.

*V.J.* The applicant, who is a Senior Laboratory  
Assistant claim pay scale of Rs.5000 - 8000. She seeks

parity of pay scale with that of Junior Scientific Assistant. Aforesaid claim has been rejected by the impugned order of 23rd December, 1999 at Annexure A1. Same is impugned by her in the present OA.

2. The Supreme Court has time and again declared that fixation of pay scale is not the function of the Tribunals or Courts. Same is the function of expert bodies such as Central Pay Commission and the Government. Fixation of pay scale is left within the province of the aforesaid bodies. The same should not be undertaken by the Tribunals or the Courts. Merely because there was parity of pay scales between two posts, same parity cannot be insisted upon for all times to ~~give~~ <sup>some</sup>. For fixation of pay scales various aspects have to be taken into account such as qualification, ~~etc etc~~ experience and so on. As far as the present posts are concerned the qualification and experience for the two posts are different. For the post of Junior Scientific Assistant the qualification required are (1) Degree in Pharmacy/Pharmaceuticals Chemistry (2) Two years experience in testing/ Manufacturing of Drugs, Knowledge of Botany; whereas for Senior Laboratory Assistant the qualification required are (1) Degree in Pharmacy/ Pharmaceuticals Chemistry

...3.

(2) One year experience in testing/ manufacturing Drugs. Hence, it would be seen, even at the entry point, the qualifications and experience for the two posts are distinct. Applicant, who is a Senior Laboratory Assistant, in the circumstances cannot claim parity of pay scale with that of Junior Scientific Assistant, at least at our hand. Present OA, in the circumstances, is devoid of merit and is accordingly dismissed in limine.

~~No costs.~~

*G.C. Srivastava*  
(G.C. SRIVASTAVA)  
MEMBER (A)

*ASHOK AGARWAL*  
(ASHOK AGARWAL)  
CHAIRMAN

Gaja