

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE THIRTEENTH DAY OF OCTOBER 1986

Present : Hon'ble Shri Ch. Ramakrishna Rao

... Member (J)

Hon'ble Shri P. Srinivasan

... Member (A)

APPLICATIONS NO.935/86 & 941 TO 945/86

K.V.Raghothama,
S/o Sri K.B. Vijaya Rao,
Group-D, National Tuberculosis
Institute, Bangalore-3.

C. Maran
S/o Choodappa,
Group D,
National Tuberculosis Institute,
No.8, Bellary Road, Bangalore-3.

M.P.Rajashekharan,
S/o Late Sankaran Nair,
Group D,
National Tuberculosis Institute,
No.8, Bellary Road, Bangalore-3.

R. Somashekar,
S/o S. Ramachandraiah,
Group D,
National Tuberculosis Institute,
No.8, Bellary Road, Bangalore-3.

S. S hivaraja,
S/o Siddaveerappa (late)
Group D,
National Tuberculosis Institute,
B, Bellary Road, Bangalore-3.

V. Muniyappa,
S/o Venkatappa,
Group D,
National Tuberculosis Institute,
No.8, Bellary Road,
Bangalore.

... Applicants

(Shri M. Narayanaswamy ... Advocate)

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Union of India represented
by its Secretary,
Health and Family Welfare,
Services, 'Nirman Bhavan',
New Delhi.

The Director General of
Health Services,
Nirman Bhavan, New Delhi.

The Director,
National Tuberculosis Institute,
No.8, Bellary Road, Bangalore.

... Respondents

(Shri M.S. Padmarajaiah . Advocate)

These applications came up before Court today for hearing.

P. Srinivasan

Hon'ble Member (A) made the following:

O R D E R

These applications originated as writ petitions before the High Court of Karnataka and on transfer were fixed for hearing today. Shri M. Narayanaswamy, learned counsel for the applicants and Shri M.S. Padmarajaiah, learned counsel for respondents have been heard.

2. The facts involved in all these applications are as follows: All the applicants are Group D employees in the National Tuberculosis Institute (NTI) at Bangalore. It is stated that they are engaged in the work of sputum collection, assisting teams of investigators in this regard. Their contention is that the functions they perform are analogous to those of Field Assistants (FA) in other organisations like the National Sample Survey Organisation and the Geological Survey of India and that, therefore, their scale of pay should have been the same as that of FA in other Departments of the Government of India. The pay scale of the petitioners as of now is 196-232 with a selection grade of 200-240. According to them their scale of pay should have been 260-350 which is applicable to FA in other Departments. While admitting that there is no post of FA in the NTI, Shri Narayanaswamy contended that the applicants undertook field work which is in the nature of the work of the FA elsewhere. They undergo considerable risk and are exposed to Tubercular infection. According to Shri Narayanaswamy, a High powered Restructuring Committee under the Chairmanship of Dr. Sharat Kumar visited the NTI and in response to representations submitted by the applicants, the Chairman of the Committee assured the applicants that the Committee would recommend the scale of pay of Rs.260-350 for the applicants. The prayer of the applicants is that this Tribunal should direct the respondents

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to consider the claim of the applicants to be treated as FA on the same pay scale as FA in other Government departments. Shri Narayanaswamy cited a decision of the Karnataka High Court 1974 2 KLD 504 in which the High Court had directed that persons who were working in the NTI as Field Investigators but were being given the pay of UDCs should be put on the scale of Field Investigators prevailing elsewhere.

3. Shri M.S. Padmarajaiah on behalf of the respondents contended that the applicants had no case for being treated as FA. The decision of the Karnataka High Court cited by Shri Narayanaswamy had no application here. In that case persons who were originally known as UDCs had been redesignated as Field Investigators by the authorities of NTI themselves and what the petitioners wanted was

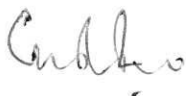
21 ^{fact} they should be given the pay scale of the redesignated posts.

This had been rejected by the authorities and the High Court had ordered that the pay scale attached to posts of Field Investigators in other Departments of the Government should also be given to the petitioners. There had been no redesignation of the applicants here as FA because the NTI did not consider their work as equivalent to that of FA and there was no post of FA in NTI. The applicants had not been able to show that the functions performed by them were similar to those of FA elsewhere. The qualification for recruitment as peon was only 8th standard pass. Field ^{whose} investigators / cases were decided by the High Court of Karnataka had to be graduates and were technical staff trained to take mass X-rays and to examine sputum. When teams of investigators go out some peons are attached to them to help them collect sputum whenever necessary. There is no technical expertise involved and so the applicants cannot claim parity in pay with FA in other Departments. The High powered restructuring Committee did not concern itself with pay scales at all nor did it recommend that the applicants be given the pay scale of FA.

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4. We have considered the matter very carefully. We agree with counsel for respondents that the decision of the High Court of Karnataka in 1974 2 KLJ 504 has no application here because the petitioners before the High Court were recognised by the authorities themselves as Field Investigators and all that the High Court did was to grant them the pay appropriate to Field Investigators while the applicants here have not been treated as FA by NTI. It has also to be borne in mind that the qualification for recruitment as peons is only 8th standard pass. In any case it is not for us to assess the functions performed by any class of officials and to direct that a particular pay scale be fixed for a class of posts. Learned counsel for the applicants could not tell us the functions which are associated with the post of FA in other Department for comparison. Moreover, the nature of duties performed by persons working in different departments can be compared to determine their similarity only by technical experts. It is for the respondents to consider the claim of the applicants, to examine it on merits and to come to a conclusion thereon. We, therefore, direct the respondents to consider the claim of the applicants on merits and if the claim is well founded to grant them such benefits as they may deem fit.

5. The applications are dismissed subject to the observations made above. There will be no orders as to costs.



MEMBER (J)



MEMBER (A)

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Sr. No.	Regm No.	Names of parties	Date of disposal	Remarks
227 228	D. No. 1652/86(T)	Venkatappa - do -	22.10.86	Dismissed (C) with direction sent on 19/11/86
	COP NO. 11535/83			
228 229	A. No. 285/86(T)	T.D. Chopalakrishna - do -		Dismissed sent on 19/11/86 (C)
	COP NO. 9890/80			
229 230	A. No. 966/86(T)	Chandrabashekh - do -	23-10-86	Dismissed (C)
	COP NO. 38232/81	- arappa		Issued on 21/12/86 Applicant has resigned
230 231	D. No. 771/86(T)	P. Varadewam Nair - do -		Dismissed Issued on 21/12/86
	COP NO. 34843/82			
231 232	A. No. 1668/86(P)	B.R. Nayak - do -		Dismissed (C) sent on 19/11/86
232 233	A. No. 331/86(T)	D.D. Prasad - do -		Dismissed (C) sent on 10/11/86
	COP NO. 23660/80			
233 234	A. No. 203/86(T)	Daddala Heggde	24.10.86	Dismissed (C)
	COP NO. 14515/79			
234 235	A. No. 207/86(T)	M.P. Telagondar	24.10.86	Dismissed (C)
	COP NO. 16003/79			
235 236	A. No. 15/86(T)	B MOHAMED SHARIFE - do -		Dismissed (C)
	COP NO. 711/85			
236 237	A. No. 187/86(T)	B.S. Shappa - do -		Dismissed
	COP NO. 7297/79			
	No. 226/86(T)	A Indrani Hegon - do -		
	P NO. 19226/79			

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Sr. No	Regm. No.	Name of parties	Date of disposal	Remarks
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238 239	A.No. 289/86 (T) (CWP No. 10161/80)	A. Mahabadi	24.10.86	Dismissed (C) issued on 10/11/86
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239 240	A.No. 430/86 (T) (CWP No. 1538/83)	A. Ravishankara	- do -	Dismissed (C) issued on 10/11/86
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240 241	A.No. 560/86 (F) (CWP No. 1538/83)	M. P. Kulkarni	- do -	Dismissed (C) issued on 10/11/86
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241 242	A.No. 1024/86-24/86 (T) (CWP Nos. 20507/82 71/83)	- do -	- do -	Dismissed (C) issued on 10/11/86
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241 242	A.No. 1432/86 (T) (CWP No. 4664/83)	E. Senthil Kumar	24-10-86	Dismissed (C) issued on 10/11/86
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242 243	A.No. 935/86 (T) (CWP No. 26420/82)	K. V. Pagharama	30-10-86	Dismissed (C) issued on 12/11/86
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243 244 245 246 247 248	A. Nos. 941/86 945/86 (T) (CWP Nos. 29956/82 60/82)	C. Maran + Orm	- do -	Dismissed (C) issued on 12/11/86
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244 245	A.No. 887/86 (T) (CWP No. 15235/82)	C. Nagaraja Sundry	- do -	Dismissed (C) (issued on 20-11-86 Same as in 8.39. Restored allowed)
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245 250 251	A. Nos. 1006 & 1007/86 (T) (CWP No. 18367 and 68/83)	K. Sundar & anr.	- do -	Dismissed (C) issued on 10/11/86
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246 252	A.No. 1288/86 (T) (CWP No. 14021/84)	L. G. Gunjikan	- do -	Dismissed (C) issued on 18/11/86
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