

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THE 26TH DAY OF OCTOBER, 1 9 8 7.

Present

THE HON'BLE MR.JUSTICE K.S.PUTTASWAMY .. VICE CHAIRMAN

SHRI L.H.A. REGO .. HONOURABLE MEMBER(A)

APPLICATIONS: 421 of 1987 C/w 425, 427, 428,
430, 431, 446, 454 to 456/87(F)

L.Ramakrishna,
E.5, CPWD Quarters,
Vijayanagara,
Bangalore-40.

Applicant in Appln.421/87

2.D.Yesupadam,
No.109, Dinnur,
Bangalore-32

-do- 425/87

3.B.K.Narayana Murthy
No.1153, 5th Main,
A-Block, II Stage,
Rajajinagar,
Bangalore-10.

-do- 427/87

4.K.V.Aswathanarayana,
No.768, 10th 'C' Cross,
II Stage, West of Chord-
Road, Bangalore-86

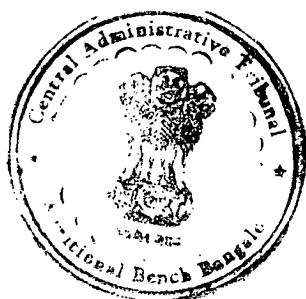
-do- 428/87

5.P.James,
No.1375, III Cross,
Thammanna Layout
Lingarajapuram,
Bangalore-84.

-do- 430/87

6.P.G.Mathew,
NO.592(Upstairs)
V.R.Puram,
Palace Guttahalli,
Bangalore-3

-do- 431/87



(contd...2

7. Simeon Rathna Durai
No.45, NTI Staff Quarters,
8, Bellary Road,
Bangalore-3

Applicant in
Appln.No.446/87

8. Miss Hemalatha
132, Milk Colony,
Malleswaram(West)
Bangalore-55

-do- 454/87

9. Miss Bhagirathi,
No.V 31/1, II Main
Hanumanthapura
Sriramapuram
Bangalore-21

-do- 455/87

10. J.D.Kolekar
768, Xth 'C' Cross
II Stage, W.C.Road
Bangalore-86.

-do- 456/87

(Dr.Nagaraja, Advocate for the Applicants in all the Applications)

-vs.-

1. The Director,
National Tuberculosis Institute
No.8, Bellary Road,
Bangalore-560 003.

2. The Director General of
Health Service, T.B.Section,
'Nirman Bhavan'
New Delhi-110 011.

3. Union of India by the Secretary
Ministry of Health and Family
Welfare, Nirman Bhavan,
New Delhi-110 011.

Respondents in
all the Applns.

(Shri M.S.Padmarajaiah, Senior Standing Counsel
for Central Government, for respondents)

These applications coming on for hearing
this day, VICE CHAIRMAN made the following:

ORDER

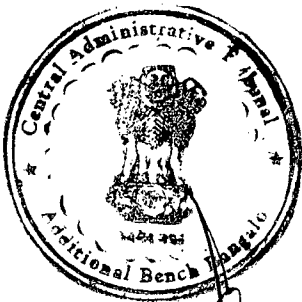


O_r_d_e_r

As the question that arise for determination in these cases are common, we propose to dispose them by a common order.

2. All the applicants are working as 'Laboratory Technicians'('LT') in the National Tuberculosis Institute, Bangalore ('NTI') of the Ministry of Health and Family Welfare, Government of India. Prior to 1-1-1986, the time-scale of the applicants classified as 'Para Medical Staff', was Rs.380-560. On the recommendations of the IV Pay Commission, Government had revised the time scale of LTs to Rs.1320 to 2040 from 1-1-1986. But, the applicants claim that in all other departments of Government, the time scale of Rs.380-560 of 'para medical staff' had been revised to Rs.1400-2300 from 1-1-1986 and that very time-scale should be extended to them since the nature of duties performed by them were similar to the nature of duties performed by 'para medical staff' of other departments.

3. In resisting these applications, the respondents have however stated that the case of the applicants was still under examination by Government.



4. Dr.Nagaraja, learned Counsel for the applicants, contends that the applicants, who were performing the very duties performed by the 'para medical staff' of other departments of Government possessing similar qualifications, were entitled to the revised time-scale of Rs.1400-2300 from 1-1-1986 and that the denial of the same was violative of Articles 14 and 16 of the Constitution.

5. Shri M.S.Padmarajaiah, learned Senior - Standing Counsel for Central Government, appearing for respondents, sought to justify the action of the respondents.

6. In para-16 of their reply, the respondents have stated that the claim of the applicants for extending them the revised time-scale of Rs.1400-2300 from 1-1-1986, was under examination of Government and a final decision thereto had not so far been reached by Government.

7. When Government states that it was examining the claim made by the applicants, then the proper course is to direct Government to decide the same, with expedition.



8. On the claim of the applicants, the IV Pay Commission, which is the basis for revision of pay-scales, is silent. The order of Government and the Rules made thereon are also silent. In these circumstances, the claim of the applicants that their qualifications and the nature of duties performed by them are similar to those performed by other 'para medical staff' in other departments, and therefore, they are entitled for the very revised time-scale as extended to them, undoubtedly calls for an indepth examination and decision by Government in the first instance. In this view also, it is proper to direct Government to examine and decide the same, with expedition.

9. In the light of our above discussion, we make the following orders and directions:

(i) We direct Government of India in the

Ministry of Health and Family Welfare/
Ministry of Finance, to examine the
claim made by the applicants and the
recommendations made thereon by the
department for revision of their time-
scale to Rs.1400-2300 from 1-1-1986,
and pass its final order thereon, with
all such expedition as is possible in
the circumstances of the case and in any



event, within a period of four months from the date of receipt of the order of the Tribunal.

(ii) All questions raised by the applicants are left open.

10. Applications are disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.



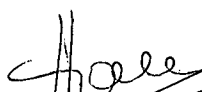
Sd---

(K.S. PUTTASWAMY) 26-10-11
VICE CHAIRMAN.

Sd---

(L.H.A. REGO) 26-10-11
MEMBER(A).

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SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated :

8 MAR 1988

IA I IN APPLICATION NOS. 421, 425, 427, 428, 430
431, 446, 454 to 456/87(F)

Applicants

Shri L. Ramakrishna & 9 Ors

Respondents

V/s The Director, NTI, Bangalore & 2 Ors

To

1. Shri L. Ramakrishna
E-5, CPWD Quarters
Vijayanagara
Bangalore - 560 040

7. Shri Simeon Rathna Durai
No. 45, NTI Staff Quarters
8, Bellary Road
Bangalore - 560 003

2. Shri D. Yesupadam
No. 109, Dinnur
Bangalore - 560 032

8. Miss Hemalatha
132, Milk Colony
Malleswaram (West)
Bangalore - 560 055

3. Shri B.K. Narayana Murthy
No. 1153, 5th Main
A-Block, II Stage
Rajajinagar
Bangalore - 560 010

9. Miss Bhagirathi
No. V 31/1, II Main
Hanumanthapura
Sriramapuram
Bangalore - 560 021

4. Shri K.V. Aswathanarayana
No. 768, 10th 'C' Cross
II Stage, West of Chord Road
Bangalore - 560 086

10. Shri K.O. Kolekar
768, Xth 'C' Cross
II Stage, West of Chord Road
Bangalore - 560 086

5. Shri P. James
No. 1375, III Cross
Thammanna Layout
Lingarejapuram
Bangalore - 560 084

11. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009

6. Shri P.G. Mathew
No. 592 (Upstairs)
V.R. Puram
Palace Guttahalli
Bangalore - 560 003

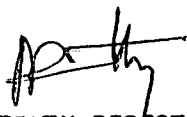
12. The Director
National Tuberculosis Institute
No. 8, Bellary Road
Bangalore - 560 003

13. The Director General of Health Services
T.B. Section
'Nirman Bhavan'
New Delhi - 110 011
14. The Secretary
Ministry of Health & Family Welfare
Nirman Bhavan
New Delhi - 110 011
15. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal
in the above said applications on 29-2-88.

Encl : As above


for DEPUTY REGISTRAR
(JUDICIAL)

**In the Central Administrative
Tribunal Bangalore Bench,
Bangalore**

ORDER SHEET

Application No. 421, 425, 427, 428, 430, 431, 446, 454 to 456/87(F)

Applicant

L. Ramakrishna & 9 Ors

Advocate for Applicant

Dr M.S. Nagaraja


V/s

The Director, NTI & 2 Ors

Advocate for Respondent

M.S. Padmarajiah

Respondent

Date	Office Notes	Orders of Tribunal
29.2.1988	 <p style="text-align: center;">TRUE COPY</p> <p style="text-align: center;">for <i>8/3/88</i> DEPUTY REGISTRAR (JDL) CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE</p>	<p><u>PSM/CHRRKJ</u></p> <p style="text-align: center;"><u>A No. 421, 425, 427, 428, 430, 431, 446, 454 to 456/87</u></p> <p>Shri MSP appears for the applicants in IA No.1 wherein the Respondents in these original applications have sought for extension of time to implement ^{the direction} the direction order of this Tribunal made on 26.10.1987 in those applications. Respondents, in those applications were, by that order directed to implement the said directions within four months of the receipt of the said order. The four month period expired on 25.2.1988. The respondents in those applications want a further time of four months to implement the directions.</p> <p>Dr. M.S.Nagaraja for the original applicants has no objection.</p> <p>Respondents in the aforesaid applications are allowed to implement the directions contained in this Tribunal order of 26.10.1987 within four months from today.</p> <p>IA No.1 stands disposed of.</p>

sd/-
MEMBER (A)

sd/-
MEMBER (J) *24/2*