

Issued  
K. onlin  
7-2-89

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

K.K. Mathew

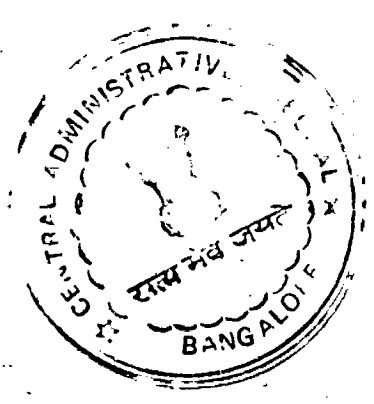
V/s  
908/88

The Director General, Health Services,  
New Delhi & another

H.N. Narayan

Order Sheet (contd)

M.S. Padmarajaiah

Date	Office Notes	Orders of Tribunal
6.2.1989	 <p align="center">TRUE COPY</p> <p align="center"><i>[Signature]</i> DEPUTY REGISTRAR (JDL) CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE</p>	<p><u>KSPVC/PSM</u></p> <p>By this interlocutory application the applicant prays that a mistake which has occurred in our order dated 13.1.1989 in application No.908/88 by rectified.</p> <p>Smt. Rosa, M, who appeared for the applicant submitted that in the first paragraph of our order dated 13.1.1989 we had stated that a post of Driver Mechanic in the Selection Grade was created with effect from 1.1.1983, but actually such a post was created with effect from 1.8.1976. She wants the date 1.8.1976 to be substituted for 1.1.1983 in the original order.</p> <p>On going through our aforesaid order we find that the mistake in mentioning the dates, if any, has no effect on the final outcome of A No.908/88. All that we have done in disposing of that application is to direct the respondents therein to dispose of the representation dated 3.7.1987 submitted by the applicant for a revision of the pay scale of his post. The applicant can certainly point out before the authorities that the selection grade post of Driver Mechanic was created from 1.8.1976 and not from 1.1.1983. That being so we do not find any justification for effecting any rectification of our order.</p> <p>The IA is, therefore, rejected.</p>
		<p align="center">Sl - Vx.</p> <p align="center">Sl - M(A)</p>

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 18 JAN 1989

APPLICATION NO. 908 / 88(F)

W.P. NO. \_\_\_\_\_

Applicant(s)

Shri K.K. Mathew  
To

Respondent(s)

V/s The Director General, Health Services,  
New Delhi & another

1. Shri K.K. Mathew  
Mechanical Supervisor  
National Institute of Tuberculosis  
No. 8, Bellary Road  
Bangalore - 560 003
2. Shri H.N. Narayan  
Advocate  
No. 9, 1st Block  
Kumara Park West, Railway Parallel Road  
Bangalore - 560 020
3. The Director General of Health Services  
Nirman Bhavan  
New Delhi - 110 011
4. The Director  
National Institute of Tuberculosis  
No. 8, Bellary Road  
Bangalore - 560 003
5. 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/~~STAY~~/~~INTERIM ORDER~~  
passed by this Tribunal in the above said application(\*) on 13-1-89.

*48/ued*  
*K.V. lmr*  
*18-1-89*  
Encl : As above  
*d/c*  
*B.V. Venkatesh*  
DEPUTY REGISTRAR  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 13TH DAY OF JANUARY, 1989

Present | Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
| Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 908/1988

Shri K.K. Mathew,  
Mech. Supervisor,  
National Institute of Tuberculosis,  
No.8, Bellary Road,  
Bangalore.

.... Applicant.

(Shri H.N. Narayan, Advocate)

v.

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

2. Director,  
National Institute of Tuberculosis,  
No.8, Bellary Road,  
Bangalore.

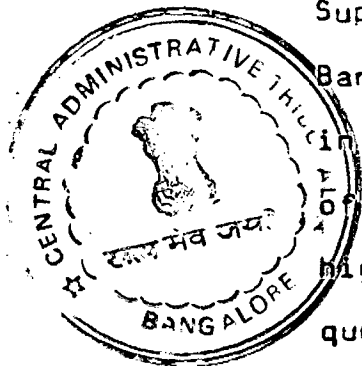
.... Respondents.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)

This application having come up for hearing to-day,  
Shri P. Srinivasan, Hon'ble Member (A) made the following:

ORDER

The applicant before us is working as a Mechanical Supervisor (MS) in the National Tuberculosis Institute Bangalore (NTI). He entered the service of the Institute in 1960 as a Driver-Mechanic and was promoted to the post of MS in 1964. At that time, the post of MS carried a higher pay scale than that of a driver mechanic. Subsequently a post of driver mechanic in the selection grade was created with effect from 1.1.1983 which carried a pay scale <sup>Hg</sup> was Rs. 320-400, the same as that of MS. The



1.8.76

*[Handwritten signature]*

applicant's grievance is that though the post of MS which he holds is higher than that of Driver Mechanic, his pay scale is the same as that of a selection grade Driver Mechanic, thereby rendering his promotion meaningless;

he therefore prays for a direction to the respondents to create a <sup>higher</sup> selection grade post of MS <sup>with a higher pay scale and</sup> ~~and~~ fit him (the applicant) in it particularly because he has no further avenue of promotion.

2. Shri H.N. Narayan, learned counsel for the applicant submitted that an anomalous situation had been created by introducing the selection grade for driver mechanic in the scale of Rs.320-400 which was the same as that of MS thereby denying the applicant any financial benefit from his promotion to the higher post of MS. Since admittedly the post of MS <sup>is</sup> higher than that of Driver Mechanic in the selection grade, the applicant should be given a higher scale of pay. Therefore, the applicant had made a representation to the authorities on 3.7.1987 praying that he be placed on a higher selection grade as MS. The applicant had come to know after filing this application that his representation had been recommended by the Director of the NTI. Shri Narayan submitted that the authorities should be directed to dispose of the said representation particularly since the respondents themselves admitted in their reply that it is still under consideration.

3. Shri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel appearing for the respondents, contended that the applicant's claim for a selection grade had no merit. While admitting that the applicant's

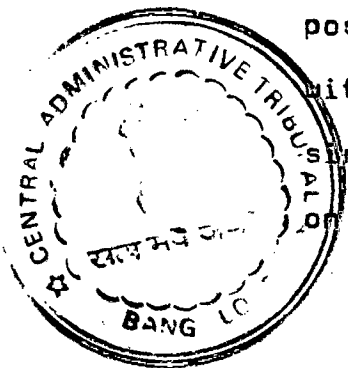
25-6-82

representation in this regard was still pending with the authorities, Shri Padmarajaiah was not aware of any recommendation said to have been made by the Director, NTI in this regard.

4. After hearing counsel on both sides, we are of the view that respondent No.1 viz, the Director General of Health Services should dispose of the representation made by the applicant early and communicate <sup>it</sup> <sup>his</sup> their decision to him. Shri Narayan submitted that this representation was based on a decision of this Tribunal in the case of another employee of NTI, viz., M.S. Krishnamurthy in application No.1698/86. We have no doubt that the respondents will consider all the submissions made by the applicant in his representation including the decision of this Tribunal in M.S. Krishnamurthy's case, before taking a decision in the matter.

5. We, therefore, direct the respondents to dispose of the applicant's representation dated 3.7.1987 within two months from the date of receipt of this order since we understand that the applicant is due to retire on 31.7.1989.

6. The application is disposed of on the above terms leaving the parties to bear their own costs.



Sd/-  
VICE-CHAIRMAN

TRUE COPY

Sd/-  
MEMBER (A)

bsv/Mrv.

*[Signature]*  
DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE