

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 22 DEC 1988

APPLICATION NO.5 1133 to 1140 / 88(F)

W.P. NO. _____ /

Applicant(s)

Shri R. Rangaswamy & 7 Ors
To

1. Shri R. Rangaswamy
Investigator
National Tuberculosis Institute
No. 8, Bellary Road
Bangalore - 560 003

2. Shri G. Krishnaswamy

3. Shri B.H. Anatheraj

4. Shri D. Narayana Prasad

5. Shri P. Srinivasa

6. Shri A.V. Nagaraju

7. Shri A.N. Shashidhar

(Sl Nos. 2 to 7 -

Field Investigators
National Tuberculosis Institute
No. 8, Bellary Road
Bangalore - 560 003)

8. Shri M.S. Krishna Murthy
Team Leader
National Tuberculosis Institute
No. 8, Bellary Road
Bangalore - 560 003

Respondent(s)

V/s The Secretary, Health & Family Welfare Services, New Delhi & 2 Ors

9. Shri M. Narayanaswamy
Advocate
844 (Upstairs)
V Block, Rajajinagar
Bangalore - 560 010

10. The Secretary
Health & Family Welfare Services
Nirman Bhavan
New Delhi - 110 011

11. The Director General of Health Services
Nirman Bhavan
New Delhi - 110 011

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

13. 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/EX/ADXRDXORDERX
passed by this Tribunal in the above said application(s) on 7-12-88.

9856
K. Venk
23-12-88

o/c

Mr. Ch
SECTION OFFICER
EX/REGISTRAR
(JUDICIAL)

Encl : As above

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 7TH DAY OF DECEMBER, 1988

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY ... VICE-CHAIRMAN
HON'BLE SHRI P. SRINIVASAN ... MEMBER (A)

APPLICATION NOS. 1133 TO 1140 OF 1988

1. R. Rangaswamy,
s/o late Chikkarangaiah,
aged 51 years, Investigator,
N.T.I., No.8, Bellary Road,
BANGALORE
2. G. Krishnaswamy, s/o
Govindaraja Mudalir,
aged 43 years,
Field Investigator,
N.T.I., No.8, Bellary
Road, Bangalore-3.
3. B.H. Anantharaj,
s/o Hanumanthappa,
aged 45 years,
Field Investigator,
N.T.I., No.8,
Bellary Road,
Bangalore-3.
4. D. Narayana Prasad,
s/o D. Arunachalam,
aged 42 years,
Field Investigator,
N.T.I., No.8, Bellary Road,
Bangalore-3.
5. P. Srinivasa,
s/o P. Jagannath,
aged 48 years,
Field Investigator,
N.T.I., No.8, Bellary Road,
Bangalore-3.
6. M.S. Krishna Murthy,
S/o M.S. Subba Rao,
aged 46 years,
Team Leader, N.T.I.,
No.8, Bellary Road,
Bangalore-3.



P. J. 160

7. A.V. Nagaraju,
s/o A. Vasudevacharya,
aged 44 years,
Field Investigator,
N.T.I. No.8, Bellary Road,
Bangalore-3.

8. A.N. Shashidar,
s/o A.C. Narayana Murthy,
aged 47 years,
Field Investigator (S.G.),
N.T.I. No.8, Bellary Road,
Bangalore-3.

APPLICANTS

(Sri M. Narayanaswamy.....Advocate)

Vs.

1. The Union of India,
rep. by its Secretary,
Health & Family Welfare Services,
Nirman Bhavan,
New Delhi.

2. The Director-General of Health
Services, Government of India,
'Nirman Bhavan, New Delhi.

3. The Director,
National Tuberculosis Institute,
No.8, Bellary Road, Bangalore-3.

RESPONDENTS

(Sri M.S. Padmarajaiah.....Advocate)

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

O R D E R

All the applicants before us are working
in the National Tuberculosis Institute, Bangalore
(NTI) in various capacities as Field Investigators,
Investigators, Team Leaders and Group-D staff. They
are classified as 'Field Staff'. Each of the posts
carries a scale of pay. Initially the field staff

P.J. 44

in NTI were not being given the same scale of pay as field staff else where, but after several rounds of litigations, they have now been given pay scales comparable to field staff in other organisations.

In the present Applications they claim that in addition to the scale of pay granted to them, they should be given a special pay since they fulfil the condition for the grant of special pay prescribed under FR 9(25) (a).

2. Sri M.Narayanaswamy, learned counsel for the applicants strongly contended before us that every one of the applicants, each in his own post, is exposed to considerable risk as all of them have to handle sputum for analysis and they are liable to contract disease while doing so. Thus, the duties assigned to them were specially arduous and they were entitled to special pay.

3. Sri M.S. Padmarajaiah, learned Standing Counsel appearing for the respondents submits that the scale of pay assigned to each of the posts is commensurate with the nature of the duties to be performed by the holders of such post. Every holder of the post performs the same kind of duty whether arduous or not. There is, therefore, no case made out for granting special pay to all holders of the same post over and above the scale of pay prescribed for that post.

4. We have considered the matter carefully. We are inclined to agree with Sri Padmarajaiah.

The definition of 'special pay' in FR 9(25) (a) no doubt speaks of special pay to be granted to persons performing duties of an arduous nature. This special pay is in the nature of pay and is to be given in addition to the normal pay which such a person would otherwise receive. The idea behind that is that if among the holders of a post in a particular scale of pay, some are assigned more arduous duties, ^{for} they have to be given special pay to compensate for the arduous duties performed by them. If however all persons holding posts carrying the same scale of ¹³ pay uniformly perform arduous nature, ^{of} ~~duties~~, because of which they consider the remuneration paid to them to be inadequate, the logical thing to do is to ask for a higher scale of pay for the whole category of officials. Granting special pay to an entire category of officials makes no sense of the scale of pay prescribed for that post. In order to support the claim that a person is entitled to special pay, he should show that among persons working on the same scale of pay he has been assigned some special duty which is arduous in nature which others do not perform. That is not the case here.

5. The respondents have denied that the duties assigned to the applicants herein are arduous. But as already stated, for the purpose of sanctioning special pay, a comparison has to be made between the nature of duties performed by some persons compared to others who are also on

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the same scale of pay. We are firmly of the view that when a scale of pay is assigned to a post and extended to all persons holding that post, special pay cannot be granted to all holders of that post but only to some of them who perform more arduous duties than others.

6. In view of the above all the applications deserve to be dismissed. We, therefore, dismiss them. But, in the circumstances of the cases, parties to bear their own costs.

Sd/-
VICE-CHAIRMAN 7/12/88

Sd/-
MEMBER (A)

TRUE COPY.



Re-dtd 22/12/88
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADMINISTRATIVE BUREAU
PARIBARTA