

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 193/90
~~XXX~~

198

DATE OF DECISION 5.7.1990

Shri D.K.Kulkarni

Petitioner

Advocate for the Petitioner(s)

Versus

Secretary, Ministry of Health & Family Welfare & Anr.
Respondent

Shri J.G.Sawant.

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. G.Sreedharan Nair, Vice-Chairman,

The Hon'ble Mr. P.S.Chaudhuri, Member(A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(G.SREEDHARAN NAIR)
VICE-CHAIRMAN.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

(U)

Original Application No.193/90.

Shri D.K.Kulkarni,
6, Bhakti Sugandha,
Tejpal Scheme Road No.2,
Vile Parle (East),
Bombay - 400 057.

... Applicant.

V/s.

1. Secretary,
Ministry of Health and Family Welfare,
Govt. of India,
Nirman Bhavan,
New Delhi. 110 011.
2. Director General of Health
Services, (Drug Section),
New Delhi - 110 011. ... Respondents.

Coram: Hon'ble Vice-Chairman, Shri G.Sreedharan Nair,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Appearances:-

Applicant present in person.
Respondents by Shri J.G.Sawant.

Oral Judgment:-

(Per Shri G.Sreedharan Nair, Vice-Chairman) Dated: 5.7.1990.

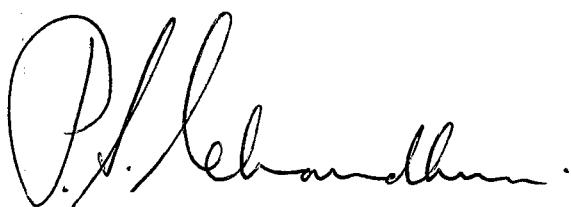
Heard the applicant who appeared in person, as well as Shri J.G.Sawant representing ~~for~~ the respondents pursuant to the notice issued.

2. The applicant while functioning as Technical Officer under the respondents was directed w.e.f. 1.12.1987 to look after the work of the office of Assistant Drugs Controller. It is alleged by him that till his retirement on his superannuation on 31.3.1989 he "officiated" as Assistant Drugs Controller and hence it is prayed that he should be deemed to have been promoted as Assistant Drugs Controller on ad hoc basis and declared eligible to draw the salary attached to that post. It is urged that there has been violation of principles of equal pay for equal work

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3. There is nothing on record to indicate that the applicant was ordered to officiate in the post of Assistant Drugs Controller, which admittedly is a higher post carrying a higher scale of pay than that of Technical Officer, the post that the applicant was holding. On the other hand, both the copy of the telegram (Annexure 'G') and copy of the office order (Annexure 'B') are clear that the applicant has been asked only to "look after the routine duties of the office of Assistant Drugs Controller". It is also evident from the records that even after the said order the applicant was only holding the post of Technical Officer, Air Cargo Complex till his retirement on superannuation. As such the applicant cannot be deemed to have been promoted to the post of Assistant Drugs Controller. When the administration did not intend to promote the applicant to that post or even to appoint the applicant to officiate in that post no such fiction can be imported and the claim for salary of the post of Assistant Drugs Controller cannot be allowed. The reliance placed on the doctrine of equal pay for equal work is clearly misplaced in the circumstances. The application is accordingly dismissed.



(P.S.CHAUDHURI)
MEMBER(A)



5-2-1998

(G.SREEDHARAN NAIR)
VICE-CHAIRMAN.