

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No. 1352/95.

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Date of decision: 6-3-1998.

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Between:

1. Y. Sitaramayya.
2. D.G.Bhise.
3. M.B.Munavalli.
4. K.Ramashanker. Applicants.

And

1. Union of India represented by its Secretary, Ministry of Defence, Sena Bhavan, New Delhi.
2. The Director General of Medical Services, DGMS-3(b), AG's Branch, Army Headquarters, DHQPO, New Delhi .11.
3. Commanding Officer, SHO (L), Golconda, Hyderabad-8.
4. Commanding Officer, Station Health Orgn., Secunderabad. Respondents.

Counsel for the applicants: Sri K. Sudhakar Reddy.

Counsel for the respondents: Sri V.Bheemanna.

CORAM:

Hon'ble Sri A.V. HARIDASAN, Vice-Chairman(J), Ernakulam Bench.

Hon'ble Sri H. Rajendra Prasad, Member (Administrative)

JUDGMENT:

Xper Hon'ble Sri A.V. .Haridasan, Vice-Chairman(J), Ernakulam Bench)

There are four applicants in this O.A. The 1st applicant is the Health Superintendent and applicants 2 to 4 are the Health Inspectors under the 3rd respondent. Their grievance is that while the Health Superintendent, Pharmacist Grade -II, Radiographers and X-Ray Technician Gr.I were all in the pay scale of Rs.425--640 and the Health Inspector, Pharmacist Gr.III and Radiographer and X-Ray Technician Gr.II were all in the pay scale of Rs.330-560 on the basis of the recommendation of the III Pay Commission and all of them belong to Para Medical Staff under Group "C". On acceptance of the recommendations of the IV Central Pay Commission the Health Superintendents and Health Inspectors have been discriminated against by granting a pay scale of Rs.1400--2300 to Health Superintendent while a scale of Rs.1400--2600 was given to Pharmasist Gr.II, Radiographer-X-Ray Technician Gr.I and granting a pay scale of Rs.1200--2040 to the Health Inspector while the Pharmacist Grade III Radiographer-X-Ray Technician Gr.II were given a higher pay scale of Rs.1350-2200. This has been done by grouping the applicants in general category separating them from para medical staff. The applicants claim that they should have been granted the same pay scales as that of the other para medical staff viz., Pharmacists and Radiographers, in the same manner as was done pursuant to the recommendations of the III Central Pay Commission.

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In the circumstances, the applicants pray that the respondents may be directed to revise the pay scales of the applicants on par with the other para medical staff with effect from 1.1.1986 with all consequential benefits.

2. The respondents in their reply contend that the applicants being Civilian Non-Ministerial Technical Staff, they cannot compare themselves with the Pharmasist, Radiographer and X-Ray Technicians who are combatants in the AMC Units. They have to compare with the other para medical staff like Senior Dieticians, Junior Dietician, Operational Therapist, Junior Physician Therapist and Medical Social Worker. When the applicants are compared with the Civilian Para Medical Staff as could be seen from the pay scales of Senior Dietician, Junior Dietician etc., the applicants have no grievance at all. The respondents contend that the Health Superintendent and Health Inspectors having been granted the pay scales ^{as} ~~are~~ recommended by the Fourth Central Pay Commission which is an expert body no interference is called for by the Tribunal.

3. The learned counsel of the applicants argued that raising an identical grievance those who are similarly placed as the applicants herein have filed an application before the Chandigarh Bench of the Central Administrative Tribunal in the year, 1994, that it is not known whether the Chandigarh Bench has disposed off that case or not and that therefore this case may be kept pending till that O.A., is disposed off by the Chandigarh Bench. We are not prepared to accept this request of the learned

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counsel of the applicants for the reasons firstly, that the counsel is not sure whether the Chandigarh Bench has disposed off that case or not and secondly even if the case has not been disposed off by Chandigarh Bench that does not justify staying this application filed in the year, 1995 before this Bench as there is no difficulty in hearing the case finally as the pleadings are complete. Therefore, we heard the learned counsel on either side.

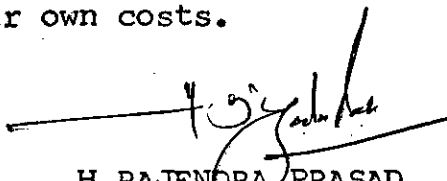
4. The learned counsel of the applicants with considerable vehemence argued that the contentions raised in the reply statement of the respondents ~~that~~, that the Pharmacists, Radiographers and X-Ray Technicians are combatants is not true to ~~the~~ fact and that they are also Civilian Para Medical Staff like the applicants, while Sri Bhimanna, the learned counsel for the respondents contended ~~saying~~ that the Pharmacists, Radiographers and X-Ray Technicians do fall within the category of combatants. The learned counsel of the respondents invited our attention to S.R.O.No.381 dated 28-10-1977 relating to Army Medical Corps Civilian (Group 'C' Para Medical) Posts Recruitment Rules, 1977. Though the category of Health Superintendent, Health Inspector are shown in the Recruitment Rules the category of Pharmacist, Radiographers and X-Ray Technicians are not included in the Recruitment Rules. This clearly establishes that Pharmacist, Radiographers and X-Ray Technicians do not fall into the category of Group "C" Civilian Para Medical Staff. Therefore, the claim of parity in the Pay Scales for the reason that the Health Superintendent and the Health Inspector fall into the same category as that of Pharmacist, Radiographers and X-Ray Technicians has no force at all.


5. The Pay Commission ~~is~~ an Expertise Body which has got the expertise to go into the question as to what Pay Scale is to be recommended for what category of posts on the basis of an analysis of the duties and responsibilities of the posts and other relevant facts whereas the Tribunal do not have such expertise. It is well settled by now that the Courts or the Tribunals would not direct the Government to ^{grant} ~~pay~~ any particular pay scale for any particular group of posts as against the recommendations of the Expert Bodies like Pay Commission. Even for the Occupational Therapist and Junior Physio Therapist whose pay scale was higher than that of the Health Superintendent before the revision, they have been granted the pay scale of Rs.1400-2300. The applicants who belong to a similar category of Civilian Group "C" Para Medical Staff have been granted the Pay scale of Rs.1400-2300. The applicants pay scale prior to the revision was Rs.425-640.

6. The nature of duties and responsibilities of combatants compared to the Civilian Employees are different. The combatants will have to move ^{to} Field area as and when occasion arises whereas the Civilian staff have ^{such} no liability generally. It may be that taking into account of all these factors that the Pay Commission recommended the different Pay Scales to the different categories.

We, therefore, do not find any justification to interfere in the matter. In the light of what is


stated, we do not find any merit in this application.
Hence it is dismissed, leaving the parties to bear
their own costs.


H. RAJENDRA PRASAD
Member (A)


A.V. HARIDASAN,
Vice-Chairman (J)
Ernakulam Bench.

Date: 6-3-1998.

(Dictated in open Court)


Deputy Registrar

SSS.

O.A. 1352/95.

To

1. The Secretary, Ministry of Defence,
Union of India, Sena Bhavan, New Delhi.
2. The Director General of Medical Services,
DGMS-3(b)AG's Branch,
Army Headquarters, DHQPO, New Delhi-11.
3. The Commanding Officer, SHO(L) Golconda,
Hyderabad-8.
4. The Commanding Officer, Station Health Organisation,
Secunderabad.
5. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
6. One copy to Mr.V.Bheemanna, Addl.CGSC. CAT.Hyd.
7. One copy to DR(A) CAT.Hyd.
8. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE A V Venkatesh
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 6-3-1998

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

in

O.A.No. 1352/95

T.A.No. (W.R)

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected.

No order as to costs.

pvm.

