

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

(28)

ORDERS OF THE BENCH

Date of Order: 08.02.2012

TA No. 03/2011 (CWP No. 1846/2006)

Mr. Anil Kumar Garg, counsel for applicants.
Mr. Anurag Agarwal, proxy counsel for
Mr. M.D. Agarwal, counsel for respondents.

Heard. T.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar
(ANIL KUMAR)

MEMBER (A)

J.S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 8th day of February, 2012,

Transferred Application No.03/2011
(CWP No.1846/2006)

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

1. Shrimati Sulabha Vishwopal
w/o Shri Rajendra Rathore,
working as Lab Technician,
National Institute of Ayurveda,
Madhav Vilas Palace, Amer Road,
Jaipur r/o C/o Dr. D.S.Rajawat,
12, Shiv Shakti Colony, Gangapole,
Near Zorawar Singh Gate, Jaipur
2. Shrimati M. Renuka
w/o Shri D.Kumar,
working as Lab Technician,
National Institute of Ayurveda,
Madhav Vilas Palace, Amer Road,
Jaipur r/o C/o Dr. D.R.Bhaskar,
43, Shiv Shakti Colony, Gangapole,
Near Zorawar Singh Gate, Jaipur
3. Shrimati Uma Rani Vishnoi
w/o late Dr. S.K.Vishnoi,
working as Lab Technician,
National Institute of Ayurveda,
Madhav Vilas Palace, Amer Road,
Jaipur r/o B-60, Janta Colony,
Jaipur
4. Madhusudan Sharma
s/o Shri Satya Narain Sharma,
working as Lab Technician,
National Institute of Ayurveda,
Madhav Vilas Palace, Amer Road,
Jaipur r/o 3-Govind Bari, Sita Ram Bazar,
Brahmpuri, Jaipur

5. Basant Kumar Atreya
 s/o Shri Mathura Prasad Atreya,
 working as Lab Technician,
 National Institute of Ayurveda,
 Madhav Vilas Palace, Amer Road,
 Jaipur r/o Gagrani Bhawan, 1st Cross,
 Baba Harish Chandra Marg,
 Chand Pole Bazar, Jaipur

.. Applicants

(By Advocate: Shri Anil Kumar Garg)

Versus

1. Union of India through
 Joint Secretary,
 Department of AYUSH,
 Ministry of Health and Family Welfare,
 Room No. 218, IRCS Building,
 Red Cross Road, New Delhi.
2. The Director, National Institute of
 Ayurveda, Madhav Vilas Palace,
 Amer Road, Jaipur

.. Respondents

(By Advocate: Shri Anurag Agarwal proxy counsel for Shri M.D.Sharma)

ORDER (ORAL)

The applicants preferred this TA seeking relief that appropriate writ, order or direction be issued to the respondents to fix the applicants in the pay scale of Rs. 4500-7000 w.e.f. 1996 as per the recommendations of the 5th Central Pay Commission and further prayed that benefit of Hospital Patient Allowance and Washing Allowance at the rate of Rs. 700 p.m. and Rs. 60 p.m.



respectively be extended to the applicants from the date others were given this benefit alongwith interest.

2. It is not disputed that 5th Pay Commission recommendations have been adopted by all the departments as incorporated in the Central Civil Services (Revised Pay) Rules, 1997. It is also not disputed that the applicants are employees of the National Institute of Ayurveda (NIA) and Government of India, Ministry of Finance, Department of Expenditure is the authority to implement the revision of pay scales to employees of the Quasi-Government Organization, Autonomous Organisations, Statutory Bodies etc. and the NIA is 100% funded and controlled by the Central Government. It is stated at Bar by the learned counsel appearing for the respondents that they have also recommended the case of the applicants and other similarly situated persons for grant of benefit of revised pay scales as has been granted to the Government employees but till the sanction is accorded by the Government of India, Ministry of Finance, Department of Expenditure being autonomous body organization, the respondents cannot implement the recommendations of the pay scale and pay scale are being paid to the applicants in view of the OM dated 2nd December, 1997 (Ann.R/1). As per this memorandum the pay scales of the applicants are fixed and revised in the scale of pay of Rs. 4000-6000.



3. It is not disputed that the applicant Nos. 1 to 3 represented before the respondents, vide representation Ann.A/4 dated 25.1.2006 which is pending consideration before the respondents.

4. Be that as it may, since the learned counsel appearing for the respondents has submitted at Bar that they have recommended the case of the applicants for grant of pay scale as claimed by the applicants but until and unless the sanction is accorded by the Ministry of Finance, Department of Expenditure, the same cannot be granted and it is admitted by the applicants that the representation filed way back in the year 2006 is still pending consideration. In such circumstances, in our considered view, the ends of justice will be met, if we direct the respondents to consider the representation Ann.A/4 sympathetically and shall recommend the case of the applicants to the competent authority for sanction/approval of the revised pay scales as per the CCS (Revised Pay) Rules, 1997 and, as undertaken by the respondents, immediately after the approval/sanction, the applicants shall be paid the salary in accordance with the CCS (Revised Pay) Rules, 1997. The respondents are further directed to complete all the formalities expeditiously in this regard and do needful regarding marking payment of the revised pay scale and other allowances which are admissible to the applicants. It is made clear that if any prejudicial order is passed against the interest of the applicants, the applicants are at liberty to file substantive OA.



4. With these observations, the TA stands disposed of with no order as to costs.

Anil Kumar

(ANIL KUMAR)
Admv. Member

K. S. Rathore

(JUSTICE K.S.RATHORE)
Judl. Member

R/