

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 16/2012

This the 26th day of July, 2016

**Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)**

Smt. Veena Kurrel
W/o Late Shri R.N. Kurrel, age 47 years,
R/o B-117, East Kidwai Nagar,
New Delhi-110023

.....Applicant

(By advocate: Mr. Sachin Chauhan)

Versus

1. Union of India Through,
The Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi.
2. The Director General Health Services
Nirman Bhawan, New Delhi
3. The Medical Superintendent
VMMC & Safdarjung Hospital,
New Delhi.

.....Respondents

(By advocate: Mr. T.A. Ansari
Mr.D.S. Mahendru)

ORDER (ORAL)

By Shri P.K. Basu, Member (A):

The grievance of the applicant in this case is that as Linen Mistress she has been granted pay scale of Rs. 3050-4590/- w.e.f 01.01.1996 whereas Linen Mistress working in Ram Manohar Lohia (RML) Hospital are being granted scale pay of Rs. 4000-6000/-.

2. Learned counsel for the respondents states that although Safdarjung Hospital and RML Hospital fall under Ministry of Health and Family Welfare, but the Recruitment Rules which are followed by these two Hospitals are totally different.

3. The RML Hospital has filled the post of Linen Mistress on proposed Recruitment Rules. As per these rules, the post of Linen Mistress is to be filled by the promotee from LDC, whereas, in the case of Safdarjung Hospital, the Recruitment Rules notified vide Gazette Notification dated Jan, 5, 1974 are followed. As per these Rules, the promotion to the post of Linen Mistress is being done from Group D (the feeder cadre) employees.

4. Moreover, it is stated that the proposed Recruitment Rules being followed by the RML for the post of Linen Mistress, provides the higher pay scale of Rs. 4000-6000 has been granted. The Hon'ble Supreme Court, time and again, has directed that Tribunal

should not get in to exercise of fixing pay scale and that this should best be left to the executive to decide on the basis of recommendations of expert bodies like Pay Commission [Union of India & Another Vs. P.V. Hariharan & another, 1997 SCC(L&S) 838; Union of India Vs. Makhan Chand Roy, AIR 1997 SC 2391]. In this case, however, we find that the post and nature of duties are the same for both the hospitals and, therefore, there is a valid ground to apply the principle of 'equal pay for equal work' as settled by the Hon'ble Supreme Court in ***Randhir Singh Vs. Union of India & ORs.*** [(1982) 1 SCC 618), ***Smt. Maneka Gandhi Vs. Union of India*** (1978 (1) SCC 248).

5. The OA is, therefore, allowed and the respondents are directed to give pay scale of Rs. 4000-6000 to Linen Mistress in the Sufdarjung Hospital. Pay will be fixed notionally from 01.01.1996 in Pay Scale 4000-6000 but the arrears will be paid from date of filing of first OA i.e. OA No. 2098/2010 decided on 15.07.2010.

(Raj Vir Sharma)
Member (J)

(P.K. Basu)
Member (A)

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