

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No. O.A. 960 of 2013

Date of order: 7.12.2015

Present : Hon'ble Mr. Justice G. Rajasuria, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

SUMANTA KAR & ORS.

VS.

UNION OF INDIA & ORS. (M/o. Health & FW)

For the Applicants : Mr. S.K. Dutta, Counsel

For the Respondents : Mr. L.K. Chatterjee, Counsel
Mr. M.K. Ghara, Counsel

ORDER (Oral)

Per Mr. Justice G. Rajasuria, Judicial Member:

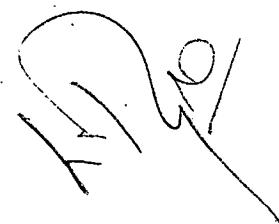
Heard both.

2. This O.A. has been filed seeking the following reliefs:-

"a. An order granting leave to the applicants under Rule 4(5)(a) of the Central Administrative Tribunals (Procedure) Rules, 1987 to move this application jointly.

b. An order directing the respondents to act in accordance with the proposal of the Anomaly Committee and to grant to the Laboratory Assistants of the All India Institute of Hygiene & Public Health, Kolkata including the applicants the pay scale of Rs. 4000-6000/- with effect from 1.1.1996 and corresponding Grade Pay of Rs. 2400/- in PB-1 with effect from 1.1.2006 with all consequential monetary benefits.

c. An order holding that the denial of the scale of pay of Rs. 4000-6000/- to the applicants with effect from 1.1.1996 and corresponding Grade Pay of Rs. 2400/- in PB-1 with effect from 1.1.2006 with all consequential benefits to the applicants are arbitrary,



discriminatory and cannot be sustained in law as well as in fact.

d. An order directing the respondents to produce/cause production of all relevant records.

e. Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

3. The Ld. Counsel for the applicant at the outset itself would cite the order of this Central Administrative Tribunal in O.A. No. 1246 of 2015 dated 1.9.2015 and submit that the applicants involved in this matter are similarly circumstanced as that of the applicants in the cited case, and there is pay anomaly and the Pay Anomaly Committee recommended for remedying the situation and hence a similar direction might be given as it was given in O.A. No. 1246 of 2015. The respondents could not object to it by putting forth any plausible objection to it. Hence in parimateria with the earlier order, this O.A. is disposed of as under:-

The relevant portion of the recommendation of the committee would run thus:

xvi) Lab Assistants, AIIH & PH, Kolkata	The pay scale of the post of Lab. Assistant in AIIH&PH and in the Govt. departments i.e. NICD was Rs. 3200-4900 prior to 5 th	Although their demands are fully justified a decision should be taken whether 5 th CPC anomalies may be considered or not. The Committee may therefore take a	The MOH & FW revised the scale of pay of Laboratory Assistants of other organization in the year of 2001 with effect from 1.1.1996 excluding this institute. Therefore, incumbent of similar designation under
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	<p>CPC. However, w.e.f. 1.1.06, the pay of Lab. Assistants in NICD has been made Rs. 4000-6000/- and this was denied to Lab. Assistant in AIH&PH. This is viewed as anomaly.</p>	<p>decision in this regard.</p>	<p>same ministry should be awarded the same scale of pay as it has been given earlier to others so we propose to consider the case favourably by allowing the scale of pay Rs. 4000-6000/- w.e.f. 1.1.1996 and subsequent replacement of grade pay Rs. 2400/- in PB-1 w.e.f. 1.1.2006.</p>
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It appears that so far the Ministry of Family Welfare did not take any decision concerning the suggestion given by the Pay anomaly committee. Wherefore, the Learned Counsel for the Applicants would pray for issuing a suitable direction to the Ministry concerned to consider the said suggestion made by the Committee.

4. The Learned Counsel for the Respondents would submit that if time is granted, a detailed reply would be filed in the O.A. Since the Learned Counsel for the Applicants would pray for a suitable direction only, we would like to give a direction without deciding the matter on merit, as under:

The Ministry of Health and Family Welfare shall consider the suggestion of the Pay Anomaly Committee (supra) and communicate the applicants with a detailed speaking order within



a period of two months from the date of receipt of a copy of this order."

4. In view of the aforesaid discussion, this O.A. is disposed of. No costs.

(Jaya Das Gupta)
MEMBER(A)

(G. Rajasuria)
MEMBER(J)

SP