

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

CIRCUIT BENCH AT PORT BLAIR

O.A. No. 351/100417/AN/2017

Smti. Pushpa Kumari
W/o Late Sarad Kumar Singh
Posted at School of Nursing, Port Blair
under the respondent No. 6
R/o Nayagaon
Port Blair Tehsil
South Andaman

..... Applicant

-Versus-

1. The Union of India,
Through the Secretary to the Govt. of
India, Ministry of Home Affairs
New Delhi - 110 001
2. The Union of India,
Through the Secretary to the Govt. of
India, Ministry of Health and Family
Welfare.
Shastri Bhawan,
New Delhi - 110 001
3. The Lieutenant Governor,
Andaman & Nicobar Islands,
Raj Niwas, Port Blair-744101
4. The Chief Secretary,

Ram

Andaman & Nicobar Administration,
Secretariat, Port Blair-744 101

5. The Principal Secretary (Health),
Andaman & Nicobar Administration,
Secretariat, Port Blair-744101
6. The Director of Health Services,
Andaman & Nicobar Administration,
Port Blair-744101

..... Respondents

ML

No. O.A. 351/00417/2017

Date of order: 4.4.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Ms. Minnie Mathew, Administrative Member

For the Applicant : Mr. G.B. Kumar, Counsel

For the Respondents : Mr. N.A. Khan, Counsel

ORDER (Oral)

Per A.K. Patnaik, Judicial Member:

Heard Mr. G.B. Kumar, Ld. Counsel appearing for the applicant and Mr. N.A. Khan, Ld. Counsel appearing for the respondents.

2. This O.A. has been filed under Section 19 of the Administrative Tribunal Act, 1985 challenging non-consideration of representation dated 28.1.2016 submitted by the applicant seeking parity in scale of pay of Rs. 5200-20200/- with Grade Pay of Rs. 2400/- with the Librarians working in the G.B. Pant Hospital getting the scale of pay of Rs. 9300-34800/- with Grade Pay of Rs. 4200/-, since the two set of employees are working under the respondent No. 6. Through this O.A., the applicant has sought for the following reliefs:-

"A)(I) An order be passed directing the respondent No. 6 to consider the case of the applicant and pay the scale of pay of Rs. 9300-34800/- with Grade Pay of Rs. 4200/- at par with the Librarians working at G.B. Pant Hospital under the respondent No. 6 discharging similar nature of duties and responsibilities.

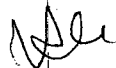
II) An order be passed directing the respondent administration to amend Schedule 4 and 8 of the notified Recruitment Rule dated 28th December, 2012 for the post of Librarian (Nursing School) under the respondent No. 6 by incorporating scale of pay of Rs. 9300-34800/- with Grade Pay of Rs. 4200/- in Schedule 4 and by enhancing the educational qualification of Bachelor Degree from a recognized University with Degree in Library Scheme from a recognized institution in schedule 8 of the Recruitment Rule.

B) An order be passed directing the respondent authorities to transmit the original records of the case before this Hon'ble Court so that after perusing the same, conscionable justice may be rendered to the applicant giving them regular appointment..

C) Any other relief or reliefs, order or orders, direction or directions, as your Honour deem fit and proper."



3. As per the Ld. Counsel appearing for the applicant, the sum and substance of the dispute are that the applicant completed her Graduation in Library and Information Science from Rani Durgawati Vishwavidyalaya, Jabalpur, Madhya Pradesh in the year 1994. On 25.8.2000 an employment notice was published in the daily newspaper "The Daily Telegrams" by which the respondent No. 6 invited applications from local suitable candidates fulfilling educational qualifications and other requisite conditions for several posts including the post of Librarian in the scale of pay of Rs. 4000-100-6000/-. She applied for the said post and was duly appointed taking into consideration the recommendations of the selection committee for the post of Librarian in the General Nursing School of the Andaman & Nicobar Health Department from the wait-list panel on 24th November, 2000 on adhoc basis for a period of six months in the scale of pay of Rs. 4000-100-6000/- and admissible allowances pending finalization of the recruitment rule. Her adhoc appointment was extended from time to time. She completed her Master's Degree in Library and Information Science from Alagappa University in the year 2006. The Andaman & Nicobar Administration vide its notification dated 16.5.2008 framed the Recruitment Rules for the post of Librarian (Nursing School) under the respondent No. 6 in the scale of pay of Rs. 4000-100-6000/- and in the said Recruitment Rules the duties and responsibilities attached to the post of Librarian (Nursing School) was also specified. After notifying the recruitment rules for the post of Librarian (Nursing School), her adhoc service was regularised vide order no. 1136 dated 30.3.2009. She is presently getting the scale of pay of Rs. 5200-20200/- with Grade Pay of Rs. 2400/-. As per the notified recruitment rule dated 14.7.2010 the scale of pay prescribed for the post of Librarian under the respondent No. 6 is Rs. 9300-34800/- with Grade Pay of Rs. 4200/-. According to the applicant, the nature and duties discharged by her and Librarians at G.B. Pant Hospital, Port Blair, under respondent No. 6 are one and the same. She preferred a detailed representation to the concerned respondent for enhancing her pay in terms of the



recommendation of the 6th Central Pay Commission and at par with other Librarians discharging similar duties and responsibilities at G.B. Pant Hospital under the respondent No. 6, which is still pending consideration.

4. Mr.G.B. Kumar, Ld. Counsel for the applicant submitted that the applicant the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 6 (The Director of Health Services, A&N Administration, Port Blair) to dispose of the representation dated 28.1.2016 within a specific time frame.

6. Though no notice has been issued still then we think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent No. 6 that if any such representation have been preferred on 28.1.2016 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of two months from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from the date of such consideration to extend those benefits to the applicant.

7. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

8. A copy of this order along with paper book be transmitted to the respondent No. 6 by speed post for which Mr. G.B. Kumar undertakes to deposit necessary cost in the Registry by Friday.

9. With the aforesaid observation and direction, the O.A. is disposed of.

(Minnie Mathew)

Administrative Member

SP

(A.K. Patnaik)

Judicial Member