

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.**

ORIGINAL APPLICATION NO.619 OF 2018

Date Of Decision:- 05.10. 2018.

**CORAM: HON'BLE SHRI. R. VIJAYKUMAR, MEMBER (A).
HON'BLE SMT. RAVINDER KAUR, MEMBER (J).**

Nanji Bhagwan Bamania, age 60 years
Retired Filaria Inspector
Then working under the Director of
Medical and Health Services,
Public Health Centre, Daman,
And presently residing at:
H.No.940/1, Bhavani Temple, Patewadi,
Bhucharwada, Diu-362570 (U.T.). *....Applicant.*
(*Applicant by Advocate Shri. S.R. Atre*)

Versus

1. The Union of India

Through the Secretary to the
Government of India,
Ministry of Home Affairs,
North Block, New Delhi-110 001.

2. The Director (ANL),

Government of India,
Ministry of Home Affairs,
North Block, New Delhi-110 001.

3. The Secretary,

Ministry of Health & Family Welfare
(VBD DESK), Nirman Bhavan,
New Delhi-110 001.

4. The Administrator,

Union Territory Administration of
Daman & Diu & Dadra & Nagar Haveli,
Moti Daman-396 220.

5. The Special Secretary (Health)

Directorate of Medical and Health Services,
Primary Health Centre, Union Territory
Administration of Daman & Diu & Dadra & Nagar Haveli,
Moti Daman, Daman-396 220.

6. The Director of Medical Health Services,

Union Territory of Daman & Diu,
Secretariat, Moti Daman, Daman-396 220. *....Respondents.*

ORDER (ORAL)
PER:- SHRI. R. VIJAYKUMAR, MEMBER (A).

1. Today, when the case was called for admission, heard Shri. S.R. Atre, learned counsel for applicant. The applicant retired on 31.07.2018 and we have carefully perused the case records.

2. The learned counsel for applicant refers to the mention in the application of the judgment in OA No.308/2008 decided on 09.10.2009 between ***Shri. Ramesh Janardhan Jiwanapurkar and Union of India & Ors***, at Para 3 wherein Malaria Inspectors were referred for upgradation in pay scale for Rs. 4500-7000/- w.e.f. 01.01.1996. He also refers to the decision of the Principal Bench to this Tribunal in OA No. 4609/2011 at Para 6 which extracted an order of the respondents as below:-

“(6). It is further stated that the NICD has wrongly granted the pay scale of Rs.5000-8000/- to Malaria Inspectors/Filaria Inspector/Sanitary Inspector and, therefore, this required a roll back with effect from 01.01.2006. However, as a model employer, it was stipulated that recoveries may not be made. Thereafter, after considering the matter de novo, the Sanitary Inspectors were granted the pay scale of Rs. 4500-7000. In fact the specific orders passed by the respondents were as follows:-

“In accordance with the decision taken by the Ministry of Health and Family Welfare, following orders are made:

(i) The pay scale of Malaria Inspector, Filaria Inspector and Sanitary Inspector is upgraded from Rs. 4000-6000 to Rs. 4500-7000 w.e.f. 22.02.2000 i.e. from the date the pay scale of Laboratory Assistant was upgraded to Rs.4500-7000/- (Pre-revised).

(ii) The post of Sanitary Inspector will be filled by transfer basis from the post of Malaria Inspector and Filaria Inspector.

(iii) The post of Laboratory Assistant in the pay scale of Rs. 4000-6000 and Rs. 4500-7000 (20 Posts in pre-revised scale) will be re-designed as Laboratory Assistant Grade II and Grade I respectively. The post of Lab. Asstt. Gd.I will be filled by promotion from Lab. Asstt. Gd.II.”

3. Although the specific details of the Office Memorandum and its date of issue are not mentioned in the order of the Principal Bench, it is apparent that this order is within the knowledge of the respondents and they will need to abide by it while granting benefits to the applicant if he is eligible in terms of these orders and other connected directions and the rules thereof.

4. In the circumstances, direction shall issue to the Respondent No.2 and 3 treat this OA as a representation, to consider the case of the applicant and to pass a reasoned and speaking order within a period of twelve weeks from the date of receipt of the certified copies of these orders and then to communicate these orders indicating consequential benefits to the applicant within two weeks thereafter.

5. Applicant has filed MA for condonation of delay since these orders extracted at Para 2 above are of unknown date and confer benefits from 01.01.2006 while this application is only filed on 26.09.2018. However, fixation affects his pension. From that aspect, therefore, his case amounts to a continuous cause of action. Therefore, these directions are issued without considering MA No.539/2018 seeking condonation of delay and without any observations on the

merits of the case including on the issues of limitation that may arise.

6. In the circumstances, the OA is disposed of with the above directions at the admission stag. No costs.

(Smt. Ravinder Kaur)

Member (J)

srp

(R. Vijaykumar)

Member (A)