

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 1st day of November Two Thousand And Eighteen

PRESENT:

THE HON'BLE MRS. JASMINE AHMED, MEMBER (J)
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/1371/2018

V. Padmavathi,
W/o. P.S. Vishnu Prasad,
No. 14, Mariamman Kovil Street,
Mettupalayam,
Puducherry- 605 009.

....Applicant

(By Advocate :M/s. P. Chockalingam)

Versus

1. Jawaharlal Institute of Post Graduate Medical Education & Research Rep. by its Director, Dhanvantri Nagar, Puducherry- 605 006;
2. Union of India,
Ministry of Health & Family Welfare through its Secretary,
Room No. 348, 'A' Wing, Nirman Bhavan,
New Delhi- 110 011;
3. Union of India
Department of Expenditure through its Director,
Ministry of Finance,
Room No. 76,
New Delhi- 110 011.

...Respondents

(By Advocate:)

O R A L O R D E R

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. Applicant has filed this O.A. seeking the following relief:-

"to pass an order directing the Respondents to consider and pass orders on her representations dated 28.04.2014, 01.09.2014, 15.10.2014 and 05.01.2018 seeking revision of pay scale in the running Pay Band PB-2 of Rs.9300-34800 along with the grade pay of Rs.4600/- w.e.f. her date of joining in the Institute i.e. 07.06.2010 as per the recommendations of the Sixth Central Pay Commission."

2. This is the second round of litigation of the applicant in the matter who seeks up-gradation of her pay scale as Bio-Medical Engineer on par with the pay scales granted to persons carrying similar designation in AIIMS and PGIMER, Chandigarh. O.A. 476 of 2018 in this regard was disposed of on 16.04.2018 with a direction to the respondents to consider all the representations in accordance with law and pass a reasoned and speaking order. The impugned order dated 30.05.2018 came to be passed in compliance thereof by which the prayer of the applicant for such upgradation of pay scale had been turned down. Aggrieved by the said order, the applicant is before us seeking the aforesaid relief.

3. Learned counsel for the applicant would submit that the applicant had been appointed as Bio-Medical Engineer initially on contract in 2008 and, thereafter, in terms of the selection as per recruitment rules framed in the year 2009, on a regular basis. Subsequent to her appointment, she had

been making representations for pay scales on par with various All India Institutes of Medical Sciences (AIIMS Patna, AIIMS Bhopal, AIIMS Bhuvaneshwar, AIIMS Rishikesh, AIIMS Jodhpur & AIIMS Raipur) under the Pradhan Mantri Swasthya Suraksha Yojna (PMSSY) in the pay scale of Rs9300-34800 with G.P. of 4600/-. It is alleged that JIPMER is an institution of comparable national stature and importance as AIIMS, PGIMER Chandigarh etc. and, therefore, a lower pay scale for a post carrying the same job specification was discriminatory and violative of Article 16 of the Constitution.

4. We have perused the impugned order dated 30.05.2018. It is seen that there are many cadres/posts in JIPMER for which a justification is attempted by the members/holders thereof for parity with AIIMS pay scales and demands raised from time to time. It appears that sanction of AIIMS pay scales to JIPMER staff requires the approval of the Standing Finance Committee, Governing Body of JIPMER. Further, after approval of the SFC/G.B, a proposal would be forwarded to M/o. Health and Family Welfare, New Delhi for consideration and approval. Thereafter, it is for the Ministry for Health and Family Welfare to consider if there is a case for parity in terms of the job specifications, work load etc. Clearly, in the mean time, the request of applicant could not be acceded to.

5. In view of the reasons stated in the impugned order, we are unable to find fault with the rejection of the applicant's representation pending final decision of the respondent institution and the competent authority in the

matter. However, since it is stated in the impugned order that many cadres/Posts in JIPMER required to be upgraded at par with the AIIMS pay scales and there is no indication whatsoever whether any proposals were placed before the Standing Finance Committee, Governing Body of JIPMER in this regard and if so, with what outcome, we are of the view that the respondents must take a time bound decision in the matter and send the proposals to the competent authority, if necessary. Accordingly, we direct the 1st respondent to consider the issue in a comprehensive manner and take a decision whether a proposal on the lines sought by the applicant would be in the interests of the institution as well as in the interest of justice and, if so, take an appropriate decision and forward a proposal to the competent authority in pursuance thereof, if such decision is favourable to the likes of the applicant. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6. OA. is disposed of in the above terms. No costs.

(R. RAMANUJAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)

Asvs.

01.11.2018