

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
(CIRCUIT AT PORT BLAIR)

No. O.A. 351/00081/2015

Date of order: 1.10.2015

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

1. Smt. Khatoon Bibi,
Aged about 55 years,
W/o. Abdul Ramzan,
Working as Tutor,
Posted at School of Nursing,
G.B. Pant Hospital, Port Blair.
2. Smt. T. Sunita @ Suneetha,
Aged about 52 years,
W/o. R. Ajay Kumar,
Working as Tutor,
Posted at School of Nursing,
G.B. Pant Hospital, Port Blair.
3. Smt. Hapsa Bibi,
Aged about 42 years,
W/o. P.A. Rasheed,
Working as Tutor,
Posted at School of Nursing,
G.B. Pant Hospital, Port Blair.
4. Smt. Bincy V. Kuruvilla,
Aged about 39 years,
W/o. L.T. Shiju Cheriyan,
Working as Tutor,
Posted at School of Nursing,
G.B. Pant Hospital, Port Blair.
5. Smt. Mitha Biswas,
Aged about 39 years,
W/o. Denis Giles,
Working as Tutor,
Posted at School of Nursing,
G.B. Pant Hospital, Port Blair.
6. Smt. Mimi Singha Roy,
Aged about 50 years,
W/o. Shri Mritunjoy Singha Roy,
Working as Tutor,
Post at ANM Training School,
Directorate of Health Services,
Port Blair.



.. Applicant

- V E R S U S -

1. Union of India,
Through the Secretary,
Ministry of Health & Family Welfare,
Department of Health,
Nirman Bhawan,
New Delhi - 110 011.
2. The Union of India,
Through the Secretary,
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi - 110 011.
3. The Union of India,
Through the Secretary,
Ministry of Finance,
North Block, Lok Nayak Bhavan,
New Delhi.
4. The Lieutenant Governor,
Andaman & Nicobar Administration,
Raj Niwas, Port Blair.
5. The Chief Secretary,
Andaman & Nicobar Administration,
Port Blair.
6. The Principal Secretary (Health),
Andaman & Nicobar Administration,
Port Blair.
7. The Director of Health Services,
Directorate of Health Services,
A&N Islands, Port Blair.
8. The Principal Nursing Officer,
ANM Training School,
(Multipurpose Health Worker
Training School),
Atlanta Point,
(G.B. Pant Hospital),
Port Blair.
9. The Principal School of Nursing,
G.B. Pant Hospital, Port Blair.
10. The Deputy Director (Health),



Directorate of Health Services,
Port Blair.

.. Respondents

For the Applicants : Mr. K. Rao, Counsel
For the Respondents : Mr. S.K. Mandal, Counsel
Mr. S.C. Misra, Counsel

O R D E R (Oral)

Per Mr. G. Rajasuria, Judicial Member:

Heard Ld. Counsel for both sides.

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

"a. Leave be granted to move the application jointly under Rule 4(5) of the Central Administrative Tribunal (Procedure) Rules, 1987.

a.(i). An order/orders directing the respondent authorities to fix the pay of the applicants at pay band 3 with grade pay Rs. 5400/- with effect from 1.1.2006.

(b) An order/orders directing the respondent authorities to fix the pay of the applicants in the pay scale of Rs. 6500-10500/- from the date the applicants were appointed in the post of Tutor i.e. applicant No. 1 on 24.9.2001, the applicant No. 2 on 24.9.2001, the applicant No. 3 on 24.9.2001, the applicant No. 4 on 24.9.2001, the applicant No. 5 on 24.9.2001 and the applicant No. 6 on 17.8.1992 and thereafter revise the same in pay band 3 with grade pay of Rs. 5400/-.

c. An order directing the respondent authorities to fix the pay scale of the applicant No. 6 in the scale of pay of Rs. 2000-3200/- at the time of the applicant's initial appointment in the post of Sister Tutor and Rs. 6500-10500/- on 1.1.1996 and Rs. 7500-12000/- on 13.10.1999 and thereafter revise the same in pay band 3 with grade pay of Rs. 5400/- with all other financial benefits including MACPs.

d. An order directing the respondent authorities to act in accordance with law.

e. An order to issue directing the respondents to produce the records of the case before this Hon'ble Tribunal so that conscious able justice may be done.

f. Such other or further order direction or directions, as your Lordships deem fit and proper in the interest of justice."



3. Ld. Counsel for the applicant inviting the attention of this Court to Annexure A-15, the order No. 842 dated 15th March, 2011 would develop his argument to the fact that Smt. Jharna Roy, sister Tutor of A&N Health Department filed O.A. No. 82/AN/2005 in CAT and got favourable order and the operative portion of that order dated 15.3.2011 would run thus:-

"17. Accordingly, we dispose of this O.A. with a direction to the A&N Administration to take up the matter with the competent authority for upgradation of the post of Sister Tutor to the scale of Rs. 6500-10500/- w.e.f. 1.1.96 but the benefit should be given only notionally from that date and actually from the date she got the ACP benefit applicable to the applicant will also required to be revised appropriately. This order be completed with within four months from the date of communication of this order. No costs."

And as against that order the applicant in order to get more benefits, approached the Hon'ble High Court in WPCT No. 022 of 2009 and the Hon'ble High court passed certain orders. The operative portion of the said order would run thus:-

"For these reasons, we dispose of this petition ordering as follows." If in term of the order of the Tribunal the authority concerned is of the view that the scale of pay of the post of sister tutor is to be upgraded to Rs. 6500-10500/- as from January 1, 1996 then the petitioner shall be given actual benefit of the higher scale as from January 1, 1996, and not from March 8, 2002. No costs. Certified Xerox according to law."

4. As such, the A&N Administration as per Annexure A-15 gave the higher scale of pay to the said Smt. Jharna Roy, Sister Tutor. The applicants are similarly circumstanced and the same treatment has to be meted out to them by the administration. For that they made representations as per Annexure A-17, but there is no response. Hence this O.A.

5. The Ld. Counsel for the respondents would pray time to file a detailed reply in this regard.

6. On perusal of records it would reveal that this Central Administrative Tribunal as well as the Hon'ble High Court accepted the plea of the said Smt. Jharna Roy and granted benefit to her w.e.f. 1.1.1996. It is the contention of the applicants that they are similarly placed personnel like the said individual who approached the CAT as well as the Hon'ble High Court earlier.

7. Hence in such a case, we are of the view that if really the applicants are on par with the said Smt. Jharna Roy in all aspects, the same benefit of higher pay scale given to the latter should also be extended in favour of the applicants.

8. As such, the following direction is issued to the respondent authorities concerned:

To consider the case of the applicants and pass a detailed order within a period of two weeks from the date of receipt of a copy of this order.

9. Ordered accordingly.

(Jaya Das Gupta)
MEMBER(A)

(G. Rajasuria)
MEMBER(J)