

**Central Administrative Tribunal
Principal Bench**

**OA No.2523/2014
MA No.2152/2014**

New Delhi, this the 11th day of January, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Mrs. Alka Sharma,
D/o Shri Pran Nath Dhar,
Aged 46 years,
(Speech Therapist,
Dept. of ENT, Maulana Azad Medical College)
R/o G-301, Jhulelal Apartments,
Road No.14, Pitampura,
Delhi-110034.
2. Biswajit Das,
S/o Shri Manoranjan Das,
Aged 42 years,
(Speech Therapist,
Dept. of Paediatrics, Child Dev. Clinic, Lok Nayak
Hospital)
R/o Flat No.1, P.G. Women's Hostel,
MAMC, Campus, New Delhi-110002.
3. Mrs. Sneha Jain,
D/o Shri P.C. Jain,
Aged 57 years,
(Speech Therapist,
Dept. of G.B. Pant Hospital)
R/o Flat No.120, Parshwa Vihar,
IP Extension, New Delhi-110092.
4. Manoj Kumar Nirala,
S/o Sh. Prayag Singh,
Aged 41 years,
(Speech Therapist,
Dept. of ENT (OPD),

Guru Teg Bahadur Hospital,
Dilshad Garden, Delhi-110095)
R/o B-4, Sahyog Apartments,
Sector-9, Vasundhara,
Ghaziabad U.P.201012.

...Applicants

(By Advocate : Shri R. Sathish)

Versus

1. Govt. of N.C.T. of Delhi,
Through the Chief Secretary,
5th Floor, Delhi Secretariat,
New Delhi-110002.
2. Govt. of N.C.T. of Delhi,
Through the Principal Secretary,
Finance Department,
4th Floor, Delhi Secretariat,
New Delhi-110002.
3. Govt. of N.C.T. of Delhi,
Through the Spl. Secretary,
Paramedical (H&FW), H&FW Deptt.
9th Level, Delhi Secretariat,
New Delhi-110002.
4. The Medical Superintendent,
Maulana Azad Medical College,
Bahadur Shah Jafar Marg,
New Delhi-110002.
5. The Medical Superintendent,
Lok Nayak Hospital,
New Delhi-110002.
6. The Medical Superintendent,
G.B. Pant Hospital,
J.L. Nehru Marg,
New Delhi-110 002.

7. The Medical Superintendent,
Guru Teg Bahadur Hospital,
Dilshad Garden, Delhi-110095.

...Respondents

(By Advocate : Shri Vijay Pandita)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicants are employed as Speech Therapists in the Medical Department of the Delhi Administration. They were drawing various scales of pay from time to time. Speech Therapists working in the hospitals under the Administration of Central Government were drawing a higher scale of pay as well as higher Grade Pay. The 6th Pay Commission dealt with the disparity of pay scales of Speech Therapists working in different State and Central Government hospitals. It recommended for unification of all posts, with a higher scale of pay of Rs.6500-10500. The recommendations of the 6th Pay Commission in this behalf were accepted by the Central Government through its notification dated 21.10.2009. It was indicated that the pre-revised scale of Rs.4500-7000 be upgraded to Rs.6500-10500 in PB-2 with Grade Pay of

Rs.4200/-. Within one month thereafter, an Office Memorandum was issued on 13.11.2009, revising the Grade Pay from Rs.4200 to Rs.4600. The consequential notifications were issued in respect of various hospitals.

2. The Government of NCTD adopted the pay scales, as contained in the notification dated 21.10.2009, issued by the Government of India. It addressed letter dated 12.01.2010 to the concerned Hospitals/Medical Institutions to implement the same. Though the applicants were put in the revised pay scale in the Pay Band-2, the Grade Pay of Rs.4600/- was not paid, and the respondents were paying the Grade Pay of Rs.4200. The applicants made representation to the respondents expressing their grievance.

3. In their reply dated 28.05.2014, the respondents stated that the Grade Pay of Rs.4600 was allowed to only those Speech Therapists, whose pre-revised pay scale was Rs.6500-10500/- as on 01.01.2006 and Speech Therapists, whose pre-revised pay scale was Rs.4500-7000/- and were extended the benefit of upgradation as

per the recommendations of the 6th Pay Commission, and they will remain in the normal replacement pay structure of PB-2 with Grade Pay of Rs.4200 w.e.f. 01.01.2006. The same is challenged in this OA.

4. The applicants contend that once the recommendation of the 6th CPC for unification of the pay scale of different categories of Speech Therapists was accepted and corresponding notifications were issued, there was absolute no justification for maintaining the distinction based upon the pre-revised scales.

5. The respondents filed counter affidavit opposing the OA. It is stated that the adoption of the notification dated 21.10.2009 was subject to certain limitations and the applicants cannot draw parity with the Speech Therapists working in the Central Government Hospitals.

6. We heard Shri R. Sathish, learned counsel for applicant and Shri Vijay Pandita, learned counsel for respondents.

7. It is not in dispute that there was lack of uniformity

in the pay scales for the post of Speech Therapist working in the hospitals under the Central Government on the one hand and those under the State Government on the other. In its recommendation, the 6th CPC dealt with posts of Speech Therapists, irrespective of the Administration under which the respective hospitals are functioning. It was recommended that the pay scale be upgraded to Rs.6500-10500. As regards the Grade Pay, though the recommendation was for Rs.4600, in the resultant notification dated 21.10.2009, issued by the Central Government, it was mentioned as Rs.4200 in Column 6 of the table. However, within no time, this was rectified to Rs.4600 by issuing Office Memorandum dated 13.11.2009, by the Ministry of Finance, Department of Expenditure. It is after such correction or modification, that the Government of NCTD has decided to adopt the notification dated 21.10.2009. Letters were addressed to all the HODs of such Hospitals/Medical Institutions requiring them to extend the benefits of the revised pay scale together with the Grade Pay, subject to fulfilment of certain conditions and qualifications.

8. It is no doubt true that the Grade Pay was mentioned in the letter dated 12.01.2010 as Rs.4200.

However, once the Government of NCTD has resolved to adopt the notification dated 21.10.2009, issued by the Central Government, the subsequent modification dated 13.11.2009 also becomes applicable. There was no need to issue any separate notification in this behalf. Added to that, the distinction which was sought to be made on the basis of pre-revised scales, cannot be said to be proper. Once the 6th CPC has recommended for unification of all the categories of Speech Therapists, irrespective of the Administration under which respective hospitals are functioning, further distinction on the basis of pre-revised scales cannot be sustained in law. In the notification issued by the Government of India and the letter of adoption of the same by the GNCTD, the fulfilment of certain conditions and qualifications were mentioned as a pre requisite for extension of the benefits of the Grade Pay of Rs.4600. If the applicants hold the qualifications mentioned in the said notification, they are entitled to be extended the benefit of the Grade Pay of Rs.4600.

9. We, therefore, allow the OA, setting aside the impugned order, and directing that in case the applicants have fulfilled the qualifications mentioned in the

notification dated 21.10.2009, they shall be extended the benefit of Grade Pay of Rs.4600 per month.

Pending MAs, if any, stand disposed of.

There shall be no orders as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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