

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No-3213/2014

New Delhi, this the 24th day of September, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

1. Central Dietary Health Steward Association
Through its Secretary Shri Shahzal Ali Khan
R/o 8-B, Pocket-2, (Double Storey)
Pashchim Puri, New Delhi-110063.

2. Umesh Dhyani
s/o Shri K N Dhyani
aged about 41 years, Post-Steward
R/o 67, Panchdeep Apartment
F Block, Vikas Puri
New Delhi-110018.

...Applicants

(through Sh. A.K. Behera)

Versus

1. Union of India
Through Secretary, Health
Govt. of India, Nirman Bhawan
New Delhi-110011.

2. Director General of Health Services
Medical Hospital Section, Nirman Bhawan,
New Delhi-110011.

3. Secretary
Ministry of Finance, Department of Expenditure,
North Block, New Delhi-110001.

4. Medical Superintendent

Ram Manohar Lohia Hospital,
Wellington Cresecent
New Delhi-110001.

5. Medical Superintendent
Safdajang Hospital and VMM College
New Delhi-110029. ...Respondents

(through Sh. Rajinder Nischal and Sh. T.A. Ansari)

ORDER(ORAL)

Mr. Justice L. Narasimha Reddy

The RTI Act, 2005 was enacted by the Parliament with a view to ensure transparency in the functioning of the Government. However, as experience has shown, it has virtually fallen into hands of some busybodies who treat the facility under the Act as a stepping stone for initiating litigation, and many a time, for personal benefits. Instances are galore, wherein persons have become full time RTI activists so much so, that the information sought, as a measure to threaten or hoodwink the various institutions and organisations. Another aspect is that the Government offices themselves are under-staffed and many important positions are held by persons engaged on contractual basis, and officials designated as Public Information Officer (PIO),

are not different. The imperfect half baked information furnished by them is becoming handy for whipping the organization.

2. The applicant in this OA is an Association of Stewards in the Central Government hospitals. In the hospitals established and run by the Central Government, the non medical wing has two divisions, namely, Stewards and House Keepers. The applicants herein represent the Stewards. It is stated that the pay structure of the Stewards on the one hand, and House Keepers on the other, was same under the recommendations of the IIIrd, IVth and Vth Central Pay Commissions (CPC) and when an application was made under the RTI Act, to know the pay structure, as a result of the implementation of the recommendation of the VIth CPC, it was replied stating that the pay structure of Stewards, as recommended by 6th CPC, is 5200-20200 + Grade Pay of Rs. 4200/- whereas for the post of House Keepers, it is 9300-34,800 + Grade Pay of Rs. 4200/-. In view of this information, the applicant filed this OA with a prayer to declare the disparity of the pay scales between the two posts as illegal, arbitrary and unconstitutional and to direct the respondents to grant the pay scale of Rs. 9300-34800+GP 4200 to the Stewards also w.e.f. 01.01.2006. Other consequential reliefs are also claimed.

3. The applicant claims that there was absolutely no basis for creating a discrepancy for the first time on the recommendations of the VIth Pay Commission.
4. The respondents filed counter affidavit opposing the OA. It is stated that the information furnished to the applicant under the RTI Act was wrong, misleading and the fact of the matter is that no disparity existed even after the implementation of the recommendations of the VIth CPC.
5. Heard Shri A.K. Behera, learned counsel for the applicant, Shri Rajinder Nischal and Shri TA Ansari, learned counsel for the respondents, in detail.
6. The very basis for this case, is the wrong information furnished to the applicant in response to an application filed under the RTI Act. The information furnished to the applicant through a reply dated 16.04.2012 reads as under:-

“With reference to your letter dated 24.02.2012 addressed to the Sh. U.K. Tiwari, Director Admn. DGHS, Nirman Bhawan, New Delhi received in this office on 12.03.2012, it is stated that paper related to the letter mention by you are not traceable. However, following information is being given as under:-

Pay scale of Steward as per

3rd CPC Rs.330-10-380-EB-12-500-eb-15-560

4th CPC Rs.1200-30-1560-EB-40-2040

5th CPC Rs.4000-100-6000

6th CPC Rs.5200-20200+GP 2400

Pay Scale of House-Keeper as per

3rd CPC Rs.330-10-380-EB-12-500-eb-15-560

4th CPC Rs.1200-30-1560-EB-40-2040.

5th CPC Rs. 4000-100-6000.

6th CPC Rs. 9300-34800+ GP 4200.

Pay Scale of Receptionist as per

3rd CPC Rs. 260-6-EB-326-8-366-EB-8-390-10-400.

4th CPC Rs. 950-20-1150-EB-75-1500.

5th CPC Rs. 3050-75-4590.

6th CPC Rs. 5200-20200+ GP 1900.

It is further informed that Dr. B.P. Baruah, Consultant & HOD(Radiology), New Building, Dr. RML Hospital, New Delhi is the Appellate Authority under the RTI Act for any further redressed or grievance.”

7. In the counter affidavit, the respondents have stated that the information was totally wrong. In addition to that, they have furnished the information through letter 12.12.2014, as under:-

“In continuation to this hospital’s letter no. RMLH/CPIO/RTI/2011-12/1670-4208 dated 16.04.2012 and with reference to your letter dated 24.02.2012 addressed to the Sh. U.K. Tiwari the then Director (Admn) DGHS Nirman Bhawan, received in this office on 12.03.2012, it is stated that paper related to the letter mention by you are not traceable. It has been come to notice through the Court case O.A No. 3213/2014 that sought information had been furnished wrong due to confusion. However, the following information is again given as under:-

Pay scale of Steward as per

3rd CPC Rs.330-10-380-EB-12-500-eb-15-560

4th CPC Rs.1200-30-1560-EB-40-2040

5th CPC Rs.4000-100-6000

6th CPC Rs.5200-20200+GP 2400

Pay Scale of House-Keeper as per

3rd CPC Rs.330-10-380-EB-12-500-eb-15-560

4th CPC Rs.1200-30-1560-EB-40-2040.

5th CPC Rs. 4000-100-6000.

6th CPC Rs. 5200-20200 + GP 2400.

Pay Scale of Receptionist as per

3rd CPC Rs. 260-6-EB-326-8-366-EB-8-390-10-400.

4th CPC Rs. 950-20-1150-EB-75-1500.

5th CPC Rs. 3050-75-4590.

6th CPC Rs. 5200-20200+ GP 1900.

It is further informed that Dr. A.K. Sen, Consultant & HOD(Lab), OPD Building, 3rd Floor, Dr. RML Hospital, New Delhi is the Appellate Authority under the RTI Act for any further redressed or grievance.”

8. From a perusal of this, it becomes clear that the same parity was maintained for the post of Stewards and House Keepers throughout. An attempt is made by the applicant to point out the discrepancy by referring to the pay slips of some of the House Keepers which reflect the pay scale of 9300-34800 + GP 4600. It is, however, on account of the benefit of ACP. Once the same was brought to the notice of the applicant, it too did not dispute the fact.

9. We do not find any merit in the OA and the same is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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