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CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA

OA No. 350/01246/2015  
MA No.350/00352/2015

Date of Order: 01.09.2015

**Present:**

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

.....

1. Sri Abhijit Patra, son of Amarendra Nath Patra aged about 29 years, working as Laboratory Assistant working under Central Govt. Health Scheme, Kolkata (Shyambazar Wellness Centre, residing at 1/3, P.K.Roy Chowdhury Lane, Flat No. 102, Howrah-711103.
2. Smt. Piyali Roy, wife of Manatosh Maity, aged about 29 years, working as Laboratory Assistant, working under Central Govt. Health Scheme, Kolkata (IC-Polyclinic) residing at IC-03/Type-II, IC-Block, Salt Lake City, Sec. III, Kolkata-700106.
3. Sri Tathagata Maiti, son of Late Deijendra Nath Maiti, aged about 27 years, working as Laboratory Assistant, working under Central Govt. Health Scheme, Kolkata (Airport Wellness Centre) residing at Vill and PO. Anandanagar, PS. Singur, Dist. Hooghly, Pini-712409.
4. Sri Sudipta Nayek, son of Dilip Kumar Nayek, aged about 28 years, working as Laboratory Assistnast, working under Central Govt. Health Scheme, Kolkata (Bhawanipur/Kalighat Wellness Centre), residing at Vill. Panpara, Po. Debipur (Via-Memari), Dist. Hooghly, PS. Pandua, Pin-713 146.
5. Sri Suman Kumar Koley, son of Sannyasi Koley, aged about 28 years, working as Laboratory Assistant, working under Central Govt. Health Scheme, Kolkata (Airport Wellness Centre) residing at Vill. Ganeshbati, Po. Ratanpur, Ps.Goghat, Dist. Hooghly, Pin-712614.
6. Sri Debasis Das, son of Dillip Kumar Das, aged about 32 years, working as Laboratory Assistant working under Central Govt. Health Scheme, Kolkata (Regent Estate Wellness Cente), residing at Vill.

*[Handwritten signature]*

Bahira, Po. Bahira, Ps. Uluberia, Dist. Howrah, Pin-711315.

.....Applicants

For the Applicant: Mr.S.K.Datta, Counsel

-Versus-

1. Union of India through the Secretary to the Govt. Of India, Ministry of Health and Family Welfare (Department of Health and Family Welfare), Nirman Bhawan, New Delhi-110 011.
2. The Secretary to the Govt. Of India, Ministry of Finance, Department of Expenditure, North Block, New Delhi-110001.
3. The Additional Secretary and Director General of CGHS, Ministry of Health and Family Welfare, Directorate General of Central Govt. Health Scheme, Nirman Bhawan, New Delhi-110011.
4. The Director, Central Govt. Health Scheme, Nirman Bhawan, New Delhi-110011.
5. The Addl. Director, Central Govt. Health Scheme, 6, Esplanade East, Ground Floor, Kolkata-700069.

.....Respondents

For the Respondents Mr. B.Chatterjee, Counsel

## ORDER

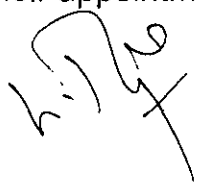
JUSTICE G.RAJASURIA, JM:

Heard both at this stage itself.

2. This OA has been filed seeking the following reliefs:

"(a) An order granting leave to the applicants under Rule 4 (5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 to move this application jointly.

(b) An order directing the Respondents/authorities concerned to consider and make a final decision regarding grant of benefits of up graded scale of pay being PB-1 of Rs. 5200-20200/- with Grade Pay of Rs. 2400/- to the applicants from the respective dates of their appointment as Laboratory



Assistants with all consequential monetary benefits within a period as to this Hon'ble Tribunal may seem fit and proper.

(c) An order directing the respondents to produce/cause production of all relevant records.

(d) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

3. The Learned Counsel for the Applicants would submit that the six applicants are all working as Laboratory Assistant in the CGHS, Kolkata and they made a representation to the appropriate authority to remove the pay anomaly. Whereupon, the Ministry of Health and Family Welfare vide circular dated 5.2.2009 constituted a Committee to look into the pay anomaly and report. Whereupon, the Committee considered the representations and suggested thus:

xvi) Lab. Assistants, AIH & PH, Kolkata	The pay scale of the post of Lab. Assistant in AIH&PH and in the Govt. departments i.e. NICD was Rs. 3200-4900 prior to 5 <sup>th</sup> CPC. However, w.e.f. 1.1.06, the pay of Lab. Assistants i NICD has been made Rs. 4000-6000/- and this was denied to Lab. Assistant in AIH&PH. This is viewed as anomaly.	Although their demands are fully justified a decision should be taken whether 5 <sup>th</sup> CPC anomalies may be considered or not. The Committee may therefore take a decision in this regard.	The MOH & FW revised the scale of pay of Laboratory Assistants of other organization in the year of 2001 with effect from 01.01.1996 excluding this institute. Therefore, incumbent of similar designation under same ministry should be awarded the same scale of pay as it has been given earlier to others so we propose to consider the case favourably by allowing the scale of pay Rs.4000-6000/- w.e.f.
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			01.01.1996 and subsequent replacement of grade pay Rs.2400/- in PB-1 w.e.f. 01.01.2006.
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It appears that so far the Ministry of Family Welfare did not take any decision concerning the suggestion given by the Pay anomaly committee. Wherefore, the Learned Counsel for the Applicants would pray for issuing a suitable direction to the Ministry concerned to consider the said suggestion made by the Committee.

4. The Learned Counsel for the Respondents would submit that if time is granted a detailed reply would be filed. Since the Learned Counsel for the Applicants would pray for a suitable direction only we would like to give a direction without deciding the matter on merits as under:

The Ministry of Health and Family Welfare shall consider the suggestion of the Pay Anomaly Committee (supra) and communicate the applicants with a detailed order within a period of two months from the date of receipt of a copy of this order.

5. For the detailed discussions made above, the small delay of 16 days is also condoned.

6. Both the OA and MA are accordingly disposed of. No costs.

(Jaya Das Gupta)  
Admn. Member

(Justice G. Rajasinha)  
Judicial Member