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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.2020/2003

Friday, this the 27th day of February, 2004

Hon'ble Shri Justice V. S. Aggarwal, Chairman
Hon'ble Shri S. K. Naik, Member (A)

1. Delhi Government Employees of Medical & Public Health Department, Non-Medical & Allied Services Association (Group B+C) having its registered office at:
r/o C-169, Brij Vihar, Chander Nagar Ghaziabad (UP) through
Shri Desh Raj, Secretary
2. Mr. Surender Kumar Kaushik
s/o Shri Shyam Sunder Kaushik
r/o C-169, Brij Vihar, Chander Nagar Ghaziabad (UP)

..Applicants

(By Advocate: Shri C.S.S.Tomar)

Versus

1. Govt. of NCT of Delhi
through Chief Secretary of Health
New Sachivalaya, Govt. of NCT of Delhi
Delhi
2. Secretary (Health)
Jawahar Lal Nehru Marg, New Sachivalaya
Govt. of NCT of Delhi, Delhi
3. Secretary (Finance)
Jawahar Lal Nehru Marg, New Sachivalaya
Govt. of NCT of Delhi, Delhi
4. Addl. Secretary (Health/PHC)
Jawahar Lal Nehru Marg, New Sachivalaya
Govt. of NCT of Delhi, Delhi
5. Medical Superintendent
GTB Hospital, Shahdara, Delhi

..Respondents

(By Advocate: Shri Vijay Pandita)

O R D E R (ORAL)

Justice V. S. Aggarwal:

The applicants had earlier filed OA-592/2002. It came up for consideration before this Tribunal on 23.10.2002.

2. Needless to emphasise that the applicants had claimed pay parity with the employees of the National

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Institute of Communicable Disease as well as the Directorate General of Health Services from 1.1.1996. This Tribunal had considered the same but keeping in view the decision of the Supreme Court in the case of Union of India v. P.V. Hariharan, 1997 SCC (L&S) 838, ~~held~~ decided:-

"9. As the respondents have not rebutted the contentions of the applicants regarding their being identically situated in all respects, including the qualifications, nature of duties, responsibilities and other functional requirements of the applicants compared with that of counter parts in NICD, DGHS, their claim is required to be considered by the respondents. In the light of that, now the grade system in the post of SIs is no more surviving and is done away with.

10. However, we find that the applicants, through an association as well as individually, have made representations to respondents, for seeking parity in pay scale, which has not been considered and disposed of by them.

11. Ends of justice would be met if the present OA is disposed of with the directions to the respondents to treat the present OA as an additional representation, and dispose of the same, considering the claim of the applicants, in accordance with law and having regard to our observations made above by passing a detailed and speaking order within three months from the date of receipt of a copy of this order. No costs."

3. In pursuance of these directions, the respondents have decided the matter primarily on the ground that Sanitary Inspectors Grade III of Directorate General of Health Services and Sanitary Inspectors of Govt. of National Capital Territory of Delhi are of identical pay scale and Sanitary Inspectors of Delhi Government have better promotional avenues than the Sanitary Inspector

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referred to above. The operative part of the order dated 10.9.2003 reads:-

"2. Sanitary Inspector of Govt. of NCT of Delhi get promotion on the post of Sanitary Superintendent. Further, Sanitary Supdt. are promoted as Sanitary Offr. As such, there is a systematic pattern of promotion for sanitary staff.

3. In Directorate General of Health Services, the Sanitary Inspectors are in 3 different grades viz. Sanitary Inspector Grade III in the pay scale of Rs. 1320-2040, Sanitary Inspector Grade II in the pay scale of Rs.1400-2300 and Sanitary Inspector Grade I in the pay scale of Rs.1600-2600 (Pre-revised).

4. Sanitary Inspector Grade III of DGHS and Sanitary Inspectors of GNCT of Delhi are of identical pay scale and Sanitary Inspectors of Delhi Government have better promotional avenues than the Sanitary Inspector of DGHS.

Keeping in view the above facts, no justification is found for upgradation of pay scale of Sanitary Inspectors working in various Medical Superintendent under Govt. of NCT of Delhi."

4. According to applicant's learned counsel, the respondents have again not gone into the crux of the matter. They have not considered the relevant factors to decide the controversy of 'equal pay for equal work'.

5. We are conscious of the decision rendered by the Apex Court in the case of Secretary, Finance Department & others v. West Bengal Registration Service Association & others, 1993 Supp. (1) SCC 153. The Supreme Court held that following guidelines have to be kept in view while evaluating the job and responsibilities:-

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- "(i) the work programme of his department;
- (ii) the nature of contribution expected of him;
- (iii) the extent of his responsibility and accountability in discharging of his duties;
- (iv) the extent and nature of freedoms/ limitations;
- (v) the powers vested in him;
- (vi) the extent of his dependence on superiors; and
- (vii) the need to co-ordinate with other departments."

6. Seemingly, the said guidelines have been lost sight of by passing the impugned order. Necessarily, when the relevant factors while considering the principle of 'equal pay for equal work' has been ignored, the impugned order cannot be sustained.

7. Resultantly, the OA is disposed of. We quash the impugned order and direct that the respondents should consider the matter afresh in light of the findings recorded above. Taking into account all the relevant factors in this regard, necessary decision should be taken preferably within three months of the receipt of a certified copy of the present order.

Naik

(S. K. Naik)
Member (A)

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Agarwal

(V. S. Aggarwal)
Chairman