

## CIVIL SERVICE ARBITRATION TRIBUNAL

### AWARD

R.N. 529

Harris Balgobin	-	President
N. Deerpalsing	-	Assessor
Dr. F. Hemraj	-	Assessor

Parties:

Mrs. S. Hurry  
and  
Ministry of health

In Presence of S. Panchoo & Ors

#### Terms of Reference:

(1) Whether on a proper construction of the regulations and the facts of her case, Mrs. S. Hurry is senior to all other officers in the grade of Assistant Health, Information and Communication officer.

(2) Whether, taking into consideration, the fact that she was appointed to the grade in the year 1977, and the former Field officers did not possess the qualifications for appointment to the post, she should not, in any event, rank above the said former Field Officer.

The Tribunal has carefully considered the evidence, both oral and written adduced by the parties as well as the documents produced.

In 1977, the applicant's salary scale before the Chesworth Report as Assistant Information officer was Rs600 x 40 - 800 PB - 880 x 40 - Rs1080 (INF2). The corresponding salary scale at the time for Field officer (male) family planning) was Rs720 x 40 - 960 - PB -1040 x 40 -1080 x 45 - Rs1350.

It has been established that whereas Mrs. S. Hurry joined as Assistant Information officer on 11.10.77, for other Field officers were appointed in that grade before the appointment as Assistant Information officer. It has also been established that Applicant along with other Field Officer (male) were absorbed in a new structure as Assistant health information Education and Communication officer after the Chesworth Report.

The Field officers (male) had the necessary qualifications for appointment to the abovementioned post as it was clearly laid down "for the first intake, priority of consideration will be given to officers service in the Family Planning, Maternal and Child Health Services who possess the Cambridge School Certificate and reckon at least one year's experience in the field of motivation and education.

It is a well established practice that acting appointment to a higher grade does not give automatic entitlement for appointment to that higher post.

Taking into consideration the date of appointment of Applicant in the grade of Assistant Information Officer, the dates of appointment of certain Field Officers (male) and the qualifications required for the post of Assistant health Information Education and Communication Officer, the Tribunal accepts the views of the Official Side that the Applicant was not Senior to other officers appointed along with her as Assistant Health Information Education and Communication Officer and finds no cause for intervention.

The Tribunal awards accordingly.

It is unfortunate that an officer who had been acting as Information officer, through no fault of hers, did no longer qualify to be appointed in a substantive capacity to that post.

(H. Balgobin)  
President

(N. Deerpalsing)  
Assessor

(Dr. F. Hemraj)  
Assessor

15th August, 1997

"