

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.994/2002

(7)

Monday, this the 15th day of April, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri S.A.T. Rizvi, Member (A)

Dr. Bal Krishana  
S/O Shri Nathi Lal (Aged 42)  
C-253, Pocket-I, Phase-I  
Mayur Vihar, Delhi-91

..Applicant

(By Advocate: Shri K.K.Sharma)

Versus

1. Union of India  
through the Secretary  
Govt. of India  
Ministry of Health & Family Welfare  
Nirman Bhawan  
New Delhi
2. The Director  
National Institute of Mental Health  
& Neuro Sciences  
Bangalore-560029
3. The Director  
Jawaharlal Instt. of Post Graduate  
& Medical Research (JIPMER)  
Dhanvantri Nagar, PONDICHERRY-6
4. The Dean  
Maulana Azad Medical College  
& Associated LNJP & GB Pant Hospital  
New Delhi-2

..Respondents

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi, M (A):-

Initially appointed as Assistant Professor in National Institute of Mental Health & Neuro Sciences (NIMHANS) on 19.12.1995, the applicant resigned from that organization on 14.11.1996 after rendering a service of about 11 months therein and joined Jawaharlal Institute of Post Graduate & Medical Research (JIPMER), Pondicherry as Assistant Professor on 15.11.1996. He has thereafter been transferred to Maulana Azad Medical College (MAMC), New Delhi again as Assistant Professor on 13.3.1998. The

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prayer made in the OA is two fold. The applicant seeks condonation of his resignation so as to become eligible for the consideration of the aforesaid service of 11 months for the purpose of pay fixation. The other and the related relief relates to fixation of pay in accordance with the Govt. instructions dated 7.8.1989 (A-A). The applicant has not filed a formal representation in respect of the condonation of resignation but has filed repeated representations in respect of pay fixation in accordance with the aforesaid instructions of the Govt. of India. Such representations have been made by him to JIPMER on 5.12.1997 and thereafter, again on 24.9.2001. Earlier on 10.6.1997, a direction have been issued by the Ministry of Health and Family Welfare (Department of Health) to JIPMER, Pondicherry to fix the applicant's salary in accordance with the aforesaid instructions of 7.8.1989 (A-A). A further instruction to the same effect has been issued again on 25.6.1998 (A-7). There has been no response from the respondents.

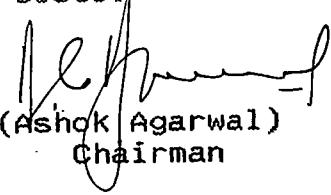
2. Having regard to the submissions made by the learned counsel, we feel inclined to dispose of the present OA at this very stage even without issuing notices with a direction to the respondents to consider the departmental directions already given on 10.6.1997 and 25.6.1998 expeditiously and convey a proper decision to the applicant within a maximum of two months from the date of receipt of a copy of this order. While doing so, the respondents will also consider the applicant's prayer for condonation of resignation and for this purpose, the

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present OA will be treated as a representation made by the applicant.

3. The present OA is disposed of in the aforesated terms at the admission stage itself. No costs.

  
(S.A.I.T. Rizvi)  
Member (A)

  
(Ashok Agarwal)  
Chairman

/sunil/