

(10)

Central Administrative Tribunal, Principal Bench

Original Application No.3194 of 2002  
M.A.No.2747/2002

New Delhi, this the 31st day of July, 2003

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

1. Dr. Chhote Lal,  
S/o late Shri Hari Charan  
Aged about 48 years  
R/o R-33, Shiv Vihar, Phase-II  
Karawalnagar, Delhi
2. Dr. M.N. Rangne  
S/o late Shri N.K. Rangne  
Aged about 43 years,  
R/o F-386, MIG,  
Pratap Vihar, Ghaziabad(UP)
3. Dr. A.K.S. Bhadoria,  
S/o Shri R.S. Bhadoria,  
Aged about 44 years,  
R/o 97, Laxmibai Nagar,  
New Delhi.
4. Dr. M.J. Subhani,  
S/o late Shri M.Y. Subhani,  
Aged about 42 years,  
R/o 681, Sector-2,  
Sadiq Nagar, New Delhi

.... Applicants

(By Advocate: Shri S.S. Tiwari)

Versus

1. Union of India, through  
The Secretary  
Dept. of ISM&H  
M/o Health & Family Welfare,  
Red Cross Building,  
Red Cross Road, New Delhi
2. Joint Secretary (ISM&H)  
Dept. of ISM&H  
M/o Health & Family Welfare,  
Red Cross Building,  
Red Cross Road, New Delhi
3. Secretary,  
Department of Expenditure,  
M/o Finance,  
South Block, New Delhi
4. Secretary  
Department of Personnel & Training  
M/o Personnel, Public Grievances & Pensions,  
North Block, New Delhi.

.... Respondents

(By Advocate: Shri Harvir Singh, proxy for Shri Madhav Panikar)



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O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

M.A. 2747/2002

M.A. is allowed subject to just exceptions.  
Filing of the joint application is permitted.

O.A. 3194/2002

By virtue of the present application, the applicants seek setting aside of the order of 29.11.2002 and to treat them as Group 'A' Medical Officers.

2. By virtue of the order of 29.11.2002, it has been pointed that in pursuance of the recommendations of 5th Pay Commission, the revised pay scales of Group 'B' and 'C' technical posts shall be in the case of Senior Technical Assistant (Ayurveda) Rs.5500-9000, Research Assistant (Ayurveda) Rs.4500-7000 and Research Assistant (Unani) Rs.4500-7000/-.

3. Some of the relevant facts are that the applicants are all serving in the Ministry of Health and Family Welfare. After the 5th Pay Commission report was received, the applicants contend that they were placed in the scale of Rs.8000-13500/- vide order of 16.4.99 read with order of 18.5.99.

4. We are not dwelling into the other controversies for the present because it was pointed that while passing the impugned order whereby the scales of the applicants

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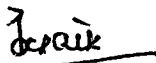
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have been reduced, no show cause notice has been served on them.

5. The position in law is well settled that when an order which has civil consequences is passed, before it is so passed, a show cause notice must be served and thereafter in accordance with law, the respondents may pass a reasoned order.

6. What is the position herein? Though the applicants were awarded a higher scale, the same was revised but no show cause notice had been served on them. In this view of the matter, we quash the impugned order for the present and direct that if so advised, the respondents may serve a show cause notice and thereupon, they may pass a fresh order in accordance with law. O.A. is disposed of.

7. For purposes of clarification, we reiterate that we are not expressing ourselves on the other pleas of the applicants.

  
( S.K. Naik )  
Member(A),

  
( V.S. Aggarwal )  
Chairman.