

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No.806/2001 M.A.No.690/2001  
with

O.A.No.800/2001 M.A.No.683/2001

Hon'ble Shri M.P.Singh, Member(Admn.)  
Hon'ble Shri Shanker Raju, Member (Judicial)

New Delhi, this the 28th day of August, 2001

O.A.No.806/2001:

1. Dr. Meenakshi Garg  
w/o Dr. Alok Garg  
Medical Officer  
r/o 163, Baloo Appts.  
58 I.P.Extn.  
Delhi - 110 092.
2. Dr. Girjesh Kumar  
s/o Shri L.C.Pehal  
r/o 67-A, Kundan Nagar  
Laxmi Nagar  
Delhi - 110 092.
3. Dr. Amit Kumar Mondal  
s/o late Shri A.K.Mondal  
r/o E-204, Saraswati Kunj  
25, Patparganj  
I.P.Extn.  
Delhi - 110 092.
4. Dr. Lalit Kumar Chauhan  
s/o late Shri S.L.Chauhan  
r/o 1127-A, Sector-23  
Faridabad.
5. Dr. Himani Majumdar  
s/o Shri P.K.Majumdar  
r/o R-7, Andrews Ganj Extn.  
New Delhi - 110 049.
6. Dr. Sushma Garg  
w/o Col. Vijay Kumar  
r/o D-6, Green Park Main  
New Delhi - 110 016.
7. Dr. Mala Singh  
w/o Dr. R.N.Mandal  
R/o C-4/204, Capital Apartments  
Vasundhara Enclave  
Delhi - 110 096.
8. Dr. Madhulika Gupta  
d/o Shri J.C.Gupta  
r/o B-39, East Krishna Nagar  
Delhi - 110 051.
9. Dr. Savita Singh  
w/o Shri A.K.Rana  
r/o 243/7-B, Rly. Officers Colony  
Panchkuan Road  
New Delhi.

10. Dr. R.K.Chopra  
s/o Late Shri D.N.Chopra  
r/o SE-108, Shastri Nagar  
Ghaziabad.
11. Dr. Swagata Biswas  
w/o Shri B.Biswas  
r/o D-1, Type-IV, Mirdard Lane  
MAMC Complex  
New Delhi - 110 002.
12. Dr.V.S.Chauhan  
s/o Shri Q.S.Chauhan  
r/o 18-H, Jia Sarai  
New Delhi - 110 016.
13. Dr. Rita Chanana  
w/o Shri Lovnish Chanana  
r/o B-22, New Multan Nagar  
Delhi - 110 056.
14. Dr. Devi Ram  
s/o Shri Rattan Lal  
r/o Vill & P.O. Aya Nagar  
New Delhi - 110 047.
15. Dr. Shalley Kamra  
w/o Shri Rajiv Kamra  
r/o 209, Rajdhani Enclave  
Pitampura  
Delhi - 54.
16. Dr. Krishna Bhardwaj  
w/o Shri Bhardwaj  
Medical Officer  
Directorate of Health Services  
Delhi.  
r/o ----
17. Dr. Poonam Taneja  
r/o K-61, Krishna Park Extn.  
New Delhi - 110 018.

... Applicants

(By Advocate: Shri Rajinder Khattar proxy of Shri K.N.R.Pillai)

vs.

1. Govt. of NCT of Delhi  
through The Secretary(Medical)  
Deptt. of Health & Family Welfare  
New Sachivalaya  
I.P.Estate  
New Delhi - 110 002.
2. Director of Health Services  
Delhi, E-Block, Saraswati Bhawan  
Connaught Circus  
New Delhi.

.. Respondents

(By Advocate: Shri Harvir Singh)

with

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1. Dr. Ranjana Amar  
w/o Dr. Sunil Kakkar  
Medical Officer  
r/o A-2/B, 135-A, Pashchim Cihar  
New Delhi - 110 063.
  2. Dr. Beena Bahi  
d/o Dr. S.S. Bahi  
r/o KU-70, Pitampura  
Delhi.
  3. Dr. Abha Rani  
d/o Sh. Ram Singh  
r/o B-8A, Shashi Garden  
Mayur Vihar, Phase-I  
New Delhi.
  4. Dr. Jayshree Kumar  
w/o Dr. N.K. Girdhar  
r/o 75, Tarun Enclave  
Pitampura  
Delhi-34.
  5. Dr. Manoj Raj Sharma  
s/o Mr. R.C. Sharma  
r/o H.No.32/5, Gali No.5  
Subzi Mandi, Maujpur, Delhi.
  6. Dr. Savita Saini  
w/o Dr. A.K. Saini  
Medical Officer  
r/o 128-D, Sunder Apartments  
Paschim Vihar  
Delhi - 87.
  7. Dr. Sameer Pandit  
s/o Shri R.K. Pandit  
r/o-4, Nawada Housing Complex  
Kakrola More, Uttam Nagar  
New Delhi - 110 059.
  8. Dr. Anita Pathroliya  
w/o Dr. R.K. Lookar  
r/o 75-76, Looker Niwas  
Narela Road  
Alipur  
Delhi - 36.
  9. Dr. Seema  
d/o Sh. Gauri Shankar  
Medical Officer  
r/o Shiv Mandir, Lucknow Road  
Timarpur  
Delhi - 54.
  10. Dr. Vimal Kaushal  
s/o Sh. Lachhman Das Kaushal  
r/o Z-202, Siddhartha Apts.  
M.P. Enclave, Pitampura  
Delhi - 34.

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11. Dr. Shintoo Doomra  
s/o Sh. K. K. Dhoomra  
r/o D-23, Kalkaji  
New Delhi - 110 019.
12. Dr. Seema Dua  
w/o Dr. Shintoo Doomra  
r/o D-23, Kalkaji  
New Delhi - 19.
13. Dr. Deepthi Mittal  
w/o Dr. Arun Kumar  
r/o D 62/6, Residential Complex  
DDU Hospital  
New Delhi.

.. Applicants

(By Advocate: Shri Madhav Panikar proxy of Shri Pramod Gupta)

vs.

1. Government of NCT of Delhi  
through its Chief Secretary  
5, Sham Nath Marg  
Delhi - 110 054.
2. The Principal Secretary  
Health and Family Welfare Department  
Government of NCT of Delhi  
Indraprastha Sachivalya  
I.P. Estate  
New Delhi.
3. The Director of Health Services  
Government of NCT of Delhi  
E-Block, Saraswati Bhawan  
Connaught Place  
New Delhi.

.. Respondents

(By Advocate: Mrs. Jasmine Ahmed)

O R D E R (Oral)

By Shanker Raju, Member (J):

It has brought to our notice that OA No.800/2001, which is listed today as Item No.10 in the admission list, also the same case as OA No.806/2001, we recall the order passed today before lunch in OA No.800/2001 and we proceed to dispose of both the OAs by this common order as the issue involved in both these OAs are the same.

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(V)

2. MA 690/2001, for joining together, in OA 806/2001 is allowed.

3. The grievance of the applicants in OA No.806/2001 is that on being entitled for pay and allowances as provided to the regular Doctors the respondents have passed an order, dated 25.8.1999 whereby they have been made entitled for regular pay and allowances from the date of Judgements delivered in their respective cases. The learned counsel for the applicants states that in view of the ratio laid down in OA 556/2000 in Dr. (Mrs.) S.Aich and Others Vs. Govt. of NCT of Delhi & Another, this Court has accorded them benefit from the date of their initial appointments. They have also placed reliance on MA 2882/99 in OA 2552/97 wherein the similarly situated Doctors have been accorded regular pay scales from the date of their respective initial appointments stating that the action of the respondents according them to pay and allowances from the date of Judgements delivered is not legally sustainable.

4. The learned counsel for the respondents has drawn our attention to an order passed on 25.7.2001 wherein the relief accorded to Judgement in OA No.2108/99 by this Court has been extended to all the remaining contractual Medical Officers and Junior Specialists like applicants herein also. As in pursuance of a decision taken by the respondents, inter alia, it is stated that in OA 2108/99 also regular pay and allowances have been accorded from the

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5. M.A.No.683/2001 in OA No.800/2001 for joining together is allowed. In this OA the applicants have been accorded pay scales by an order passed by this Court which was carried in review and also before the High Court and Supreme Court and has already attained finality. Placing reliance on the decision of OA No.556/2000 supra it is stated that they are entitled for accord of regular pay and allowances from the date of their respective initial appointments.

6. We have carefully considered the rival contentions of the parties in both the OAs and perused the material on record. We find that the applicants in both the OAs have been accorded regular pay and allowances from the date of their respective judgements delivered but in MA 2882/99 in OA No.2552/97 (dated 3.8.2000) supra this Court has allowed the clarification to the extent that the Doctors are entitled for regular pay scales from the date of their respective initial appointments. Apart from this decision, this Court has also in OA 556/2000 in Dr. (Mrs.) S.Aich (decided on 10.11.2000) supra in similar circumstances the applicants therein have been accorded the benefits of regular pay scales from the date of their initial appointments. In pursuance of this some of the Doctors have been accorded the pay scales from the date of their respective initial appointments whereas the applicants herein have been given from the date of their respective Judgements delivered.

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7. We are of the considered view that similarly situated persons should be accorded the same treatment which would justify the action of the respondents under Article 14 and 16 of the Constitution of India as such placing reliance on the decision of this Court in Dr.(Mrs.) S.Aich supra and keeping in view of the decision taken in pursuance of OA No.2108/99 vide order dated 25.7.2001, we set-aside the impugned order dated 25.8.1999, Annexure-A1 in OA 806/2001 and we allowed both the OAs to the extent that the respondents are directed to accord the applicants' regular pay and allowances from the date of their respective initial appointments within a period of six months from the date of receipt of a copy of this order. No costs.

(SHANKER RAJU)  
MEMBER(J)

(M.P.SINGH)  
MEMBER(A)

/RAO/

Attested

Signature

C.O.  
C-IV