

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.

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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 Lavnish 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.Pilla)

vs.

1. Govt. of NCT of Delhi
through The Secretary(Medical)
Dept. 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

O.A.No.800/2001

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, Pritampura
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 - 67.
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, Siddartha 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. Deepti Mittal
w/o Dr. Arun Kumar
r/o D 62/6, Residential Complex
DDU Hospital .. Applicants
New Delhi.

(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 .. Respondents
New Delhi.

(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.606/2001, 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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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 2682/99 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, interalia, it is stated that in OA 2108/99 also regular pay and allowances have been accorded from the date of their initial appointments.

5. M.A.No.683/2001 in OA No.600/2001 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.

S. Raju

(SHANKER RAJU)
MEMBER(J)

M.P.Singh

(M.P.SINGH)
MEMBER(A)

/RAO/