

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
OA No.931/2001

NEW DELHI, THIS THE 20TH DAY OF AUGUST, 2002.

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Mrs. Varsha Batra  
Lab. Technician  
R/C House No.377  
Sector 19  
Faridabad  
Haryana-121 002.

.... Applicant

(BY SHRI V.S.R. KRISHNA, ADVOCATE)

vs.

Govt. of NCT of Delhi  
Through

1. The Chief Secretary  
Govt. of NCT of Delhi  
Indraprastha Sachivalya  
New Delhi.
2. The Medical Secretary  
Govt. of NCT of Delhi  
Indraprastha Sachivalya  
New Delhi.
3. The Director  
Directorate of Health Services  
Govt. of NCT of Delhi  
E-Block, Sarasvati Bhawan  
Connaught Place  
New Delhi.

...

Respondents

(BY SHRI HARVIR SINGH, ADVOCATE)

ORDER (ORAL)

S.A.T. RIZVI, MEMBER (A) :-

The applicant who is a Lab Technician in the Directorate of Health Services, Govt. of NCT of Delhi, prays for directions to be issued to the respondents to:-

- (1) release her annual increments due from 1.2.1993 and
  - (2) consider granting her the revised pay scale of Rs.4500 - 7000 made applicable to the post of Lab. Technician by the Fifth Central Pay Commission.
2. The learned counsel appearing on behalf of the respondents submits that the applicant has been misbehaving while in service and certain events of that kind had come to the notice of the respondents way back in 1990. The applicant did not improve her

behaviour and that is why annual increments have not been sanctioned in her favour from 1.2.1993 onwards. He has also drawn our attention to the penalty imposed on her on 4.6.1999 by which two increments due to her have been withheld for a period of two years effective from 1.2.1999 without cumulative effect and without adversely affecting her pension.

3. She <sup>has been</sup> ~~is~~ <sup>proceeded</sup> ~~proceeding~~ <sup>against</sup> departmentally once again by service of another chargesheet on her vide Memorandum dated 27.4.2001 (Annexure R-I). These proceedings are yet to conclude. For these reasons, the respondents are not placing the applicant in the revised scale of pay admissible to her in terms of the Fifth Central Pay Commission recommendations.

4. We have considered the submissions made by the learned counsel for both the parties and we find that annual increments due to the applicant from 1.2.1993 could be stopped only by way of punishment. No punishment has been imposed on her stopping her increments due from that date. No disciplinary proceedings have been conducted either in that regard. In view of this, respondents in our view, did not have the authority to stop annual increments due to the applicant from the aforesaid date. Further admittedly on 1.1.1996, there was no departmental chargesheet issued <sup>pending</sup> ~~issued~~ against the applicant. The respondents could not, therefore, <sup>refuse to</sup> place the applicant in the revised pay scale of Rs.4500 - 7000 applicable to the post of Lab. Technician with effect from 1.1.1996. The fact that the applicant has been punished on 4.6.1999 and might be punished once again on the basis of the fresh chargesheet issued on 27.4.2001 cannot stand in her way in-so-far as granting of the aforesaid benefit of the revised pay scale is concerned.

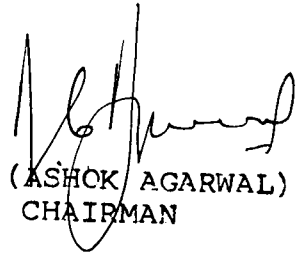
5. In the light of the foregoing, the OA is allowed. The respondents shall release the annual increments due to the applicant with effect from 1.2.1993 and also place her in the revised pay scale of Rs.4500 - 7000 with effect from

1.1.1996. The respondents will, however, be free to consider <sup>regulating</sup> grant of increments to the applicant in terms of the penalty imposed on 4.6.1999. All consequential benefits shall be paid to her in accordance with the rules. The respondents <sup>shall</sup> ~~may~~ carry out the aforesaid directions within a period of three months from the date of receipt of a copy of this order.

6. The OA is disposed of in the aforesaid terms with no order as to costs.



(S.A.T.RIZVI)  
MEMBER(A)



(ASHOK AGARWAL)  
CHAIRMAN

/sns/