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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 588/98

New Delhi, this the 9th day of MARCH, 1999.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)
Hon'ble Mr. N. Sahu, Member(A)

1. A.N.M. Employees Welfare Association (Registered)
WB-65, Shakarpur,
Delhi-110 092 through its
General Secretary.
2. Smt. Mahindri Devi,
Auxillary Nurse & Mid Wife,
NCT Dispensary, Vishwas Nagar,
Shahdara, Delhi.
3. Smt. Sarabjit Kaur,
Auxillary Nurse & Mid Wife
Guru Gobind Singh Govt. Hospital
Raghbeer Nagar, New Delhi.
4. Smt. Kamla Mehdiratta,
Auxillary Nurse & Mid Wife,
N.C. Joshi Hospital, Joshi Road,
Karol Bagh, Delhi-110 005.
5. Ms. Vidoytma Bhardwaj,
Auxillary Nurse & Mid Wife,
N.C.T. Dispensary, Vivek Vihar,
Delhi. ... Applicants

(By Advocate Shri B.S. Charya)

-Versus-

1. National Capital Territory of Delhi
5, Sham Nath Marg,
Delhi through its Chief Secretary.
2. The Secretary (Medical),
National Capital Territory of Delhi
5, Sham Nath Marg,
Delhi.
3. The Director of Health Services,
Office of the Dte. of Health Services,
E-2, Saraswati Bhavan,
Connaught Place,
New Delhi.
4. The Secretary,
Technical Recruitment Cell,
National Capital Territory of Delhi
1, Jawahar Lal Nehru Marg,
New Delhi. ... Respondents

(By Advocate Shri Vijay Pandita)

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ORDER (ORAL)

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman(J)

Heard the learned counsel for the applicant and the counsel for the respondents. This matter can be disposed of on a short point.

Two reliefs are sought for in the OA. They are stated in paragraph-8 of the OA and are as follows:

- "a) hold that applicant Nos.2 to 5 and other ANMs employed in various dispensaries and hospitals under the control and supervision and management of respondent No.1 are entitled to place in the scale of Rs.1200-2040 with effect from 1.1.86 or such other date as may be deemed just and proper and call upon the respondents to take steps in that behalf.
- b) Hold that the applicant Nos. 2 to 5 and other ANMs are entitled to be given the benefit of Office Memo dt. 13.9.91 in respect of INSITU promotion on account of absence of further promotion and consequently call upon respondents to implement the aforesid decision and give benefit of INSITU promotion from the due date together with all other consequential benefit upon preparation of seniority list."

The other reliefs are incidental and consequential. In the reply filed by the respondents it is stated at paragraph 4(i) as under:

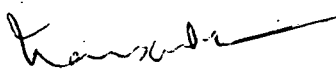
"4(i) It is admitted that the applicant is working as auxillary nurses and as mid-wife in a dispensary being run by the Govt. of Delhi. And it is further submitted that as per the recommendations of the Fifth Pay Commission the orders of fixation of pay scale of 1200-2040 to the pay scale of 4,000-6,000 has already been issued vide letter dated 23.4.1998 and granting of INSITU Promotion has also been started."


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Thus it is abundantly clear that these reliefs are substantially ^{granted} ~~agreed to~~ and it is stated that by virtue of the Fifth Pay Commission's recommendations orders have been issued for fixation of pay scale of Rs.1200-2040 to Rs.4000-6000 vide letter dated 23.4.98. With regard to the In-situ promotion it is also stated that steps have already been taken to grant In-situ promotion. The letter dated 28.08.97 makes it also abundantly clear that processing of in situ promotion has already been started. Thus we find that both the main reliefs in this OA have been admitted by the respondents and the applicants will get the benefit of the same. In our view, nothing survives in the O.A. However, it is open to the applicant to approach this Court if he is aggrieved ^{in not} ~~after~~ getting the consequential reliefs. We direct that the respondents should finalise the in-situ promotion within a period of eight weeks from the date of receipt of a copy of this order.

The O.A. is disposed of accordingly. No costs.


(N. Sahu)
Member (A)


(V. Rajagopala Reddy)
Vice-Chairman (J)

san.