

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

CP 36/98 in OA No. 2492/94

New Delhi, this the 1st day of **March**, 1999

(AO)

HON'BLE SHRI T.N. BHAT, MEMBER (J)

HON'BLE SHRI S.P. BISWAS, MEMBER (A)

1. Anita Panwar w/o Sh. S.S. Panwar
2. Shashi Saini w/o Sh. Jag Mohan Saini
3. Adarsh Narang w/o Pawan Narang
4. Charanjeet Kaur w/o Mahinderpal Singh
5. Shashi Kaushik w/o Dr. Suresh Kaushik
6. Reeta Bajaj w/o J.K. Bajaj
7. Renu Jhamb w/o B.M. Jhamb
8. Vijay Kapoor w/o K.G. Kapoor
9. Manju Sapta w/o R.K. Sapra
10. Shila Patial w/o D.S. Patial
11. Lalita Rani w/o Apinder Singh,
12. Sneh Khurana w/o V.K. Khurana
13. Praveen Bedi w/o Dinesh Bedi
14. Preeti Rawat w/o N.S. Rawat
15. Sunita Malik w/o Ashwani Malik
16. Bhupinder Kaur w/o Dr. Barshana
17. Alka Malhotra w/o Sudhir Malhotra
18. Krishna Chaubey w/o Dr. G.K. Chaubey
19. Neelam Chugh d/o R.N. Chugh
20. Poonam Rhode w/o Raman Rhode
21. Kiran Taneja w/o R.L. Taneja
22. Jasbir Kaur w/o Kashmira Singh
23. Dheeraj Panjwani w/o Subhash Panjwani
24. Rajni Chaudhry w/o Rajesh Chaudhry
25. Geeta Bohra w/o R.K. Bohra
26. Vinod Kathuria w/o Rakesh Kathuria
27. Ratna Bhattacharya w/o U. Bhattacharya
28. Anupa Bhatia w/o P.K. Bhatia
29. Achla Syal w/o B.K. Syal
30. Veena Gupta w/o B.K. Gupta

(All the above petitioners are employed as Public Health Nurses in School Health Scheme of N.C.T. of Delhi, Director of Health Services, Govt. of N.C.T. of Delhi. Address for service of notices c/o Shri Sant Lal, Advocate, C-21(B) New Multan Nagar, Delhi - 110 056). Applicants

(By Advocate: Shri Sant Lal)

Versus

1. Shri Ramesh Chandra,
Secretary (Medical),
Govt. of N.C.T. of Delhi,
5, Sham Nath Marg, Delhi.

W.M.W. / 1.3.99.

2. Mrs. Jeewan Jha,
Director of Health Services,
Saraswati Bhawan, Connaught Place,
New Delhi - 110 001.

3. Shri K.V. Saxena,
Secretary (Health),
Govt. of India,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi ... Respondents

(By Advocate :Mrs. Avnish Ahlawat and Shri Ramesh
Chandra, respondent no. 1 in person)

O R D E R

Shri T.N. Bhat, Member (J):

1. The applicants had filed an OA. being OA 2492/94 in this Tribunal which was disposed of by the judgement/order dated 15.10.1996. The applicants were claiming their placement in the pay scale of Rs. 1640-2900/- at par with Public Health Nurses 'C' (Technical) non-ministerial (hereinafter referred to as PANs) working in other organisations, more particularly Delhi Municipal Corporation and N.D.M.C. as also in the Central Government hospitals. The applicants had been placed in the pay scale of Rs. 1400-2600/-.

2. At the time of the final hearing of that O.A. the respondents had stated that previously sanction of the Central Government was necessary for taking a decision in this matter but that now the Govt. of NCT of Delhi was competent to take a final decision. It was further admitted that the Govt. of N.C.T. of Delhi had earlier recommended the case of the applicants for grant of the pay scales at par with other PHNs.

3. In view of this statement made by the learned counsel for the respondents in that OA the OA was disposed of with a direction to the respondents to take a

W.M.

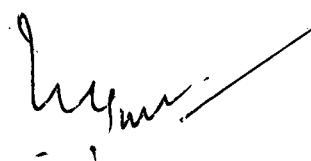
(A)

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final decision in this regard within six months from the date of receipt of the judgement. The applicants were further given liberty to agitate their grievance, if any, which might still subsist, by filing a proper original proceedings in accordance with law. It appears that a decision was not taken by the respondents within the stipulated time and the applicants have, therefore, been compelled to file this contempt petition.

4. After filing of this contempt petition the respondents have taken a decision rejecting the claim of the applicants and the respondents have filed a compliance affidavit sworn by Shri Ramesh Chandra, Secretary (Health) Govt. of N.C.T. of Delhi, who has also been appearing in person in pursuance to our directions.

5. Learned counsel for the applicants has strenuously urged before us that the judgement has not been implemented in letter and spirit, as it was given to understand by the counsel for the respondents at the time of final hearing of the OA that the relief claimed by the applicants would be granted to them and that the Govt. of NCT of Delhi would need some time to take a decision. According to the learned counsel a decision rejecting the claim of the applicants was not at all envisaged in the judgement of the Tribunal. In reply, the learned counsel for the respondents has taken us through the contents of the judgement, more particularly the operative part, and has argued that the Tribunal had given the respondents the option to either accept the claim or to reject it and that in the latter case the applicants were given the opportunity to file a fresh O.A. According to the learned

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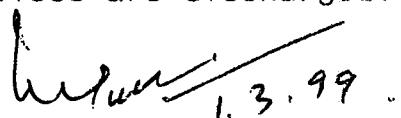
counsel for the respondents this contempt petition would not lie. She further argued that the Secretary (Health) has expressed regrets for the delay in taking the final decision and has apologized to the court.

6. After carefully considering the rival contentions made at the bar we are of the view that there has been substantial compliance with the judgement of the Tribunal though there has admittedly been some delay. The judgement itself gives liberty to the applicants to re-agitate the matter if the decision of the Govt. of NCT of Delhi goes against them. Therefore, in our considered view filing of a fresh OA would be the most appropriate remedy available to the applicants.

7. However, since there has admittedly been some delay on the part of the respondents to take a decision in the matter which we are told has still not been conveyed to the applicants, we find this to be a fit case for awarding costs. We accordingly award Rs. 1000/- as costs to the applicant which shall be paid by the respondents within two months from today.

8. With this order the CP is disposed of the proceedings are dropped and the notices are discharged.


 (S.P.Biswas)
 Member (A)


 1.3.99
 (T.N.Bhat)
 Member (J)

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