

Central Administrative Tribunal, Principal Bench

O.A.No.1337/95

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 9th day of April, 1997

Shri B.K.Bahl
Pharmacist
working at G.B.Pant Hospital
New Delhi
r/o Flat No.21/39 B
Tilak Nagar
New Delhi - 110 018. ... Applicant

(None)

Vs.

1. Lieutenant Governor
Government of National Capital Territory of Delhi
Raj Niwas
Delhi.
2. Government of NCT of Delhi
through Secretary
Medical and P&H Department
NO.5, Shyam Nath Marg
Delhi
3. G.B.Pant Hospital
New Delhi
through its Director
4. Dr. D.K.Srivastava
Medical Superintendent
G.B.Pant Hospital
New Delhi. ... Applicant

(None)

O R D E R (Oral)

The applicant joined the Delhi Administration as Pharmacist on 12.9.1995. He states that vide order A1 dated 22-05-1995 he was transferred to G.B.Pant Hospital, Vice Shri V.K.Chawda. ~~Vide Office Order No. 11~~ He was relieved from the Directorate of Health Services w.e.f. 29.5.1995 vide order No.F.5(1)/80/DHS/WZ/HQ/14132. He accordingly reported to G.B.Pant Hospital but was not assigned any duties, allegedly because the authorities in G.B.Pant Hospital were inclined to retain one Shri Mukhesh Kumar and were trying to get the orders of the applicant cancelled. Ultimately, the applicant was assigned duties

De

at counter No.4 in Pharmacy. The applicant has now come to the Tribunal seeking a direction that he should be taken on the strength of G.B.Pant Hospital, New Delhi w.e.f. 30.05.1995 and thereafter he should be paid his salary and allowances from June, 1995 onwards.

2. The respondents in reply deny the various allegations made by the applicant in regard to the authorities in G.B.Pant Hospital. They admit however that the applicant joined the service in Delhi Administration on 12.9.1975 and was posted to G.B.Pant Hospital as Senior Pharmacist on 30.05.1995. Further they state that he has been posted at O.P.D. Counter and taken on strength on 2.9.1995.

3. In view of the above statement of the respondents it is clear that the claim of the applicant that he had been posted to G.B.Pant Hospital on 30.5.1995 is correct. The respondents have not explained as to why the applicant, when he had been posted on 30.5.1995, was taken on the strength of the hospital only on 2.9.1995. It is not the case of the respondents that the applicant had reported only on 2.9.1995. Whether the applicant was assigned a duty or not is upto to the G.B.Pant Hospital. However, having ^{been relieved by} joined in Delhi Administration and having reported at G.B.Pant Hospital on 30.5.1995 he had to be taken on the strength w.e.f. 30.5.1995. He was also entitled to receive his pay and allowances from that date onwards even if the applicant was not assigned any duties w.e.f. 30.5.1995.

or

4. Since none has appeared today on behalf of the respondents, it could not be ascertained whether the respondents have already released the pay and allowances of the applicant from June, 1995 onwards.

12

5. In the light of the above discussion, this OA is disposed of with a direction that in case the pay and allowances of the applicant have not so far been released from 30.5.1995 onwards, the respondents will do so within a period of two months from the date of communication of this order.

6. The OA is allowed with the above directions. No costs.

R. K. Ahooja
(R.K.AHOOJA)
MEMBER(A)

/rao/