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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. NO.1795/95

New Delhi, this the 1st day of September, 1999.

HON'BLE MR. JUSTICE R.G.VAIDYANATHA, VICE CHAIRMAN (J)  
HON'BLE MR. J.L.NEGI, MEMBER (A)

Smt. Chandra Govil, W/O Sh. M.K.Govil,  
R/O 444, Dhruva Apartments, Indraprastha  
Extn., Delhi - 92.

---Applicant.

(By Advocate: None)

VERSUS

1. Govt. of National Capital Territory of Delhi through the Secretary (Medical), Delhi Administration Secretariat, 5 Sham Nath Marg,
2. Maulana Azad Medical College through Dean Bahadur Shah Zafar Marg, New Delhi 110 002.
3. The Ministry of Personnel, Public Grievances & Pension, Deptt. of Personnel & Training, Govt. of India, through the Secretary, North Block, New Delhi.
4. The Ministry of Health and Family Welfare, Govt. of India, Nirman Bhawan, New Delhi through the Secretary.

----Respondents

(By Advocate: Mr.S.K.Gupta through  
Mr.K.K.Singh)

O R D E R (ORAL)

By Hon'ble Justice Mr. R.G.Vaidyanatha, VC (J):-

This is an application filed by the applicant for fixation of proper pay. Respondents have filed their counter reply. Today, when the case was called for final hearing, none appeared on behalf of the applicant. Respondents is represented through proxy counsel Mr. K.K.Singh on behalf of Mr. S.K.Gupta. We have perused the entire materials on record.

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2. The applicants' case is that she was working in the All India Institute of Medical Science and later she was selected by Staff Selection Commission and appointed as Assistant Publicity and Audio-Visual Officer in Maulana Azad Medical College. The applicant's grievance is that her pay is not correctly fixed in the new post.

3. The stand of the respondents is that the applicant did not submit the application through proper channel. She did not resign the job in order to take up another job in Govt. of India. In the absence of these two conditions, the question of protection of pay or taking into consideration, the pay of previous post for fixation of pay in the new post, does not arise.

4. The applicant has admitted that she resigned the post in AIIMS on domestic grounds, which has been stated in the reply and admitted in the rejoinder. Therefore, this is not a case of technical resignation where an officer resigns one job in order to take up another in the same Govt. Thus, the case is that she resigned the job on domestic grounds in AIIMS and subsequently joined new post in Maulana Azad Medical College and further it is seen that the applicant had not sent any application through proper channel and it has been very clear by the letter, Exhibit R-1 produced by the respondents which is written by the Sr. Administrative Officer of AIIMS, dated 15.2.1992. The applicant has not produced any document to show that he has submitted the application

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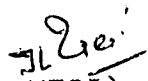
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(3)

through proper channel. In view of the fact that she has not submitted any application through proper channel and she resigned the job due to domestic grounds, the action of respondents is perfectly according to rules.

5. Before parting this case, it is seen that the applicant's claim is highly belated. Though the applicant was appointed in the new post in 1982, she has filed the present O.A. in 1995 claiming the protection of pay. We may also mention one more fact, namely, through out the OA, the allegation of the applicant is that during the interview, the Members of Staff Selection Commission assured her that the pay will be protected. No order can be passed on the basis of oral assurance which is supposed to have been given by the S.S.C.; except the mere asperation of the applicant, which is denied by the respondents, there is no material to substantiate the allegation. Even, S.S.C. or its Members are not made as party respondents to meet this allegation.

6. In the result, the applicant has no case and, therefore, this application is dismissed. No order as to costs.

  
(J.L. NEGI)  
MEMBER (A)

  
(R.G. VAIDYANATHA)  
VICE CHAIRMAN (J)

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