

Central Administrative Tribunal
Principal Bench

7

O.A.No.2064/95

Hon'ble Shri R.K.Ahooja, Member(A)
Hon'ble Shri Syed Khalid Idris Naqvi, Member(J)

New Delhi, this the 31st day of August, 1999

Mrs. Cicily Devasia
working as Lab Technician
in Blood Bank
Lady Hardinge & Medical College
and Smt. S.K.Hospital
New Delhi. Applicant

(By Shri S.M.Garg, Advocate)

Vs.

1. Union of India through
The Deputy Director Administration
(Medical)
D.G.H.S., Nirman Bhawan
New Delhi.
2. The Chief Administrative Officer
Lady Hardinge Medical College &
Smt. S.K.Hospital, New Delhi. Respondents

(None)

O R D E R (Oral)

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

The applicant initially joined as a Lab Technician in Lady Hardinge & Medical College, New Delhi in the pay scale of Rs.380-560 against a temporary post. On 18.6.1992 she was informed that the project on which she was working was going to be terminated with immediate effect. The applicant along with some other similarly placed employees thereupon filed OA Nos.1881/92, 1882/92 and 1909/92. These OAs were disposed of by judgment and order dated 4.12.1992 granting a declaration that the applicant was an employee of Lady Hardinge & Medical College and the respondents on that basis were directed to give an alternative placement to the applicant in accordance with the existing Scheme for re-deployment of surplus staff. The applicant was thereafter placed in the

Ar

surplus cell and continued to receive the salary on that basis. By letter dated 6.6.1994 the applicant was offered a post of Lab Technician in the pay scale of Rs.1320-2040 which she accepted. The applicant thereafter made a number of representations seeking protection of her pay prior to her fresh appointment and also confirmation of her past service for purposes of retiral benefits and seniority, etc. Since no reply to her representations was received by the applicant, she has come before this Tribunal seeking relief in respect of fixing up her pay by giving the benefit of protection of the pay drawn by her prior to redeployment, and also to count her past services for purposes of retiral benefits as well as seniority.

2. The respondents in reply have stated that her case for protection of her pay prior to redeployment has been decided subsequently vide letter dated 18.3.1996 but her seniority will be counted from the date she joined in the new post on redeployment. In so far as the retirement benefits are concerned, they have stated that the same will be decided at the time of retirement.

3. Today when the matter came up the learned counsel for the applicant stated that the relief in regard to the pay fixation has already been granted by the respondents as per Annexure-III to their reply. We also find that as per the decision of the Hon'ble Supreme Court in Union of India & Others Vs. K.Savitri, JT 1998(2) SC 347, service rendered in the parent department on being declared surplus cannot count for seniority and experience for promotion after

an

(38)

redeployment. In the ratio of this Judgment, the relief sought for by the applicant in regard to the counting of past service for purposes of seniority cannot be granted. The respondents have already stated that the question of retiral benefits, taking into account the past service, will be decided at the time of her retirement.

4. In view of this position, we consider that no further directions are required. The OA is accordingly dismissed. There shall be no order as to costs.

syed khalid idris naqvi
(SYED KHALID IDRIS NAQVI)

MEMBER(J)

R.K.Ahmed
(R.K.AHMED)
MEMBER(A)

/RAO/