

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP No.282/2003 in
OA 2552/1997

New Delhi this the 12th day of August, 2003

Hon'ble Shri V.K.Majotra, Member (A)
Hon'ble Shri Kuldeep Singh, Member (J)

1. Dr.Radha Dubey,
W/O Shri Sandeep Kumar,
R/O 7369, Prem Nagar,
Shakti Nagar, New Delhi.

2. Dr.Renu Jain,
D/O Shri S.K.Jain,
R/O D-34, Sector-36,
Noida-201303

(By Advocate Shri Amitesh Kumar)

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..Petitioners

1. Mr.S.P.Agrawal,
Secretary (Medical),
Govt.of NCT of Delhi
Sachivalay Complex,
Indrprastha Estate, New Delhi

2. Dr.R.N.Baishya
Director of Health Service
F-17, Karkardooma, Delhi.

..Respondents

O R D E R (ORAL)

(Hon'ble Shri V.K.Majotra, Member (A)

OA 2552/1997 was disposed of vide order dated
21.5.1998 with the following directions:-

" a) The respondents shall grant the applicants the same pay scale and allowances and other service benefits, like leave increment on completion of one year and other benefits of service conditions/ as are admissible to Medical Officers who are appointed on regular basis in the corresponding pay scales.

b) The artificial break of one or two days in service, if any, during the contract period, shall be ignored and they shall be deemed to have continued in service from the date of their first appointment till regular appointments are made by the respondents in accordance with the relevant rules/ instructions. In the circumstances of the

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case, respondents shall also consider giving age relaxation to the applicants in accordance with the rules, if they are candidates before the UPSC for regular appointment, to the extent of the number of years of service they have rendered on contract/ad hoc basis.

c) The above directions shall be implemented within three months from the date of receipt of a copy of this order.

No order as to costs".

Later on, MA 711/2000 was disposed of vide order dated 3.8.2000 ^{which h} clarified the order dated 21.5.1998 in the main OA directing that the applicants are entitled to the benefits of the regular pay scale from the date(s) of their respective initial appointments. The Respondents were directed to take further necessary action within two months. Petitioners have contended that they have not been paid full amounts, although applicants were accorded regular pay scales and other service benefits from the date of their respective initial appointments. While disposing of the CP, the applicants were asked to file representation giving details of their claims to the respondents and respondents were directed to dispose of the same by passing speaking orders within a period of two months. The representation was to be filed within 30 days from 19.3.2001. Learned counsel of the applicants also stated that the respondents have stopped paying the pay and allowances to the applicants.

3. In our considered view, the present CP is barred by limitation and the payment of pay and allowances is a fresh

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cause of action, the present CP 282/2003 is dismissed as not being maintainable. Liberty is granted to the applicants to proceed in the matter, as advised in accordance with law.


(Kuldeep Singh)
Member (J)


(V.K.Majotra)
Member (A)

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