

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

New Delhi, this 3<sup>rd</sup> day of <sup>December</sup> ~~November~~ 1996.

R.A. No.197/96 in  
M.A. No.1776/96 in  
O.A. No.629/95

HON'BLE MR. A.V. HARIDASAN, VICE-CHAIRMAN (J)  
HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

Dr. Pradeep Halдар,  
S/o Sh. M.M. Halдар,  
r/o S-164 Greater Kailash-II,  
NEW DELHI.

employed as Assistant Director  
(Chief Medical Officer)  
Directorate of Family Welfare,  
Government of Delhi,  
Malkaganj, Delhi-110 007. .... Applicant

Vs.

1. Secretary (Health & Family Welfare)  
Ministry of Health & Family Welfare  
Department of Health,  
Nirman Bhawan, New Delhi.
2. Secretary (Medical),  
Government of National Capital  
Territory of Delhi,  
5 Shyam Nath Marg,  
Delhi. .... Respondents.

ORDER (BY CIRCULATION)

R.K. AHOOJA, MEMBER (A)

This Review Application is directed  
against the order passed in MA 1776/96 in  
OA No.629/95, which was dismissed on the following  
grounds:

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"This M.A. is for seeking relief which has already been sought by way of interim relief. Such a prayer is misconceived and cannot be granted. M.A. is dismissed."

2. The Review Petitioner submits that there has been an error on the face of record, since the relief sought for in MA No.1776/96 was not the interim relief sought for in BA No.629/95 in para 9.

3. We have considered the matter. In para 8 of the OAO following reliefs have been sought:-

(a) To grant him annual increment in the post of Medical Officer after allowing him to cross EB at the stage of Rs.2800 plus NPA and thereby raising his pay to Rs.2900 plus NPA w.e.f. 1.7.1987 in the scale of Rs.2200-4000 plus NPA.

(b) To grant him annual increment in the post of Senior Medical Officer after fixing his pay at the stage of Rs.3100 plus NPA w.e.f. 21.8.1987 and raising his pay to Rs.3200 plus NPA w.e.f. 1.8.1988, to Rs.3300 plus NPA w.e.f. 1.8.1989, to Rs.3400 plus NPA w.e.f. 1.8.1990 and to Rs.3500 plus NPA w.e.f. 1.8.1991 in the scale of Rs.3000-4500 plus NPA.

(c) To grant him annual increments in the post of Chief Medical Officer after fixing his pay at the stage of Rs.3700 plus NPA

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w.e.f. 1.12.1991, i.e., raising his pay to Rs.3825 plus NPA w.e.f. 1.12.1992, to Rs.3950 plus NPA w.e.f. 1.12.1993 and to Rs.4075 plus NPA w.e.f. 1.12.1994 in the scale of Rs.3700-125-5000 plus NPA.

(d) To pay him arrears of his pay and allowances due to such fixation of pay as stated at (a), (b) and (c) above with penal interest as the delay is intentional and the respondents are responsible for the delay.

4. Para 9 states that interim orders as may be deemed fit and proper in the facts and circumstances of the case may be passed.

5. In the M.A. No.1776/96, the prayer clause stated as follows:-

A. To direct the respondents to release annual increments on promoted posts w.e.f. 21.8.87 and 1.12.91 respectively and to release the arrears of increments thereof within a period of three months.

B. To pay interest at a rate of 18% on the arrears of increments due and payable.

C. Pass any other order as may be deemed fit in the facts and circumstances of the case.


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6. It will be seen that para 8(b)&(c) of the main O.A. sought the grant of annual increments in the post of Senior Medical Officer and Chief Medical Officer w.e.f. 21.8.87 and 1.12.91. This corresponds directly to the prayer (A) of M.A. 1776/96. Para 9 of the main OA states that the interim order as may be deemed fit and proper in the facts and circumstances of the case may be passed. Thus, the interim ~~and~~ relief covered the whole ambit of the main relief sought for which, as has been stated, covered the prayer (A) of M.A.

7. It is thus clear that the impugned orders ~~correctly~~ covered the factual position. There is no error apparent on the face of record. The Review Application is therefore summarily dismissed.

  
(R.K. AHUJA)  
MEMBER (A)

(A.V. HARIDASAN)  
VICE-CHAIRMAN (J)

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