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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

Misc. Application No.3222/2011
in
Original Application No.112 of 2000

This the 7th day of December, 2011

**HON'BLE SHRI JUSTICE V. K. BALI, CHAIRMAN
HON'BLE DR. RAMESH CHANDRA PANDA, MEMBER (A)**

Dr. Vijay Kumar & others ... Applicants

(By Shri S. S. Tiwari, Advocate)

Versus

Government of NCT of Delhi & others ... Respondents

ORDER

Justice V. K. Bali, Chairman:

On 21.04.2011 a circular came to be issued by the Government of NCT of Delhi, Health & Family Welfare Department that the guidelines dated 07.04.2006, which are for grant of permission for attending conferences/symposia/seminars/workshops etc. for teaching/non-teaching cadre doctors serving in hospitals/institutions under the Government of NCT of Delhi, would be applicable only for teaching/non-teaching cadre doctors, and cannot be made applicable in the case of contractual doctors, and, therefore, they would not be eligible for reimbursement of delegation/registration fees along with TA/DA for attending conferences etc.

2. The applicants have filed present misc. application under Rule 24 of the CAT (Procedure) Rules, 1987 for appropriate directions for restoration of consequential benefits as per order dated 19.10.2000 in OA No.2746/1999. It is the case of the applicants that they had filed an Original Application in this Tribunal bearing OA No.112/2000, which came to be disposed of by the Tribunal along with OA No.298/2000 on 03.11.2000, in terms of its earlier decision dated 19.10.2000 in OA Nos.2746/1999 and 2843/1999. By virtue of the order aforesaid, the Tribunal had directed that all those doctors who are employed on contractual basis, would be allowed regular pay scales as are being paid to regularly appointed junior specialists grade-II, with all attendant benefits. It is pleaded that once the applicants would be allowed pay and allowances equivalent to that of regularly appointed doctors, the order dated 21.04.2011 could not be passed.

3. Shri Tiwari, learned counsel representing the respondents, would contend that this Tribunal may give effect to its orders recorded in the OA filed by the applicant as mentioned above, and in that context hold the applicants to be entitled to conferences etc. allowances as well. Operative part of the order dated 19.10.2000 passed by the Tribunal in OA Nos.2746/1999 and 2843/1999, copy whereof has been placed on records, based upon which alone the OA of the applicants has been disposed of, reads as follows:



"8. In the circumstances and also in view of the judgments of the Tribunal and the High Court as well as the Supreme Court, we allow these two OAs. Respondents shall continue the applicants in service paying the same pay scales as are being paid to the regularly appointed junior Specialists Gr.II in the Government of India with all attendant benefits, from the date of their respective initial appointments on contractual basis. The direction shall be implemented within a period of three months from the date of receipt of a copy of this order."

4. The applicants have been held entitled to the same pay scales as are being paid to the regularly appointed junior Specialists Grade-II in the Government of India with all attendant benefits. In our view, the applicants may be entitled to the attendant benefits as may be attached to the pay scales, but for allowances such as conferences etc. allowances, their case does not appear to be straightway covered under the directions of the Tribunal reproduced above. That being so, leaving it open to the applicants to challenge the impugned order by separate proceedings, present misc. application is closed.


(Dr. Ramesh Chandra Panda)
Member (A)


(V. K. Bali)
Chairman

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