

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA-2636/2000

with

OA-2596/2000

New Delhi this the 26th day of May, 2002.

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
 Hon'ble Sh. C.S. Chadha, Member (A)

OA-2636/2000

1. Sh. Amar Bhaduri,
 S/o Sh. Balaram,
 R/o Q.No.664, Sector-8,
 R.K. Puram,
 New Delhi-11.
2. Sh. Rohtash Kumar,
 S/o Sh. Harrigan Singh,
 R/o Staff Q.No.7,
 C.G.H.S. Gyane & Maternity Hospital,
 R.K. Puram,
 New Delhi-22.
3. Sh. Ram Niwas,
 S/o Lt. Sh. Ganda Singh,
 R/o Staff Q.No.12,
 C.G.H.S. Gyane & Maternity Hospital,
 R.K. Puram,
 New Delhi-22.
4. Sh. Braham Singh,
 S/o late Sh. Shish Ram,
 Staff Q.No.12,
 C.G.H.S. Gyane & Maternity Hospital,
 R.K. Puram,
 New Delhi-22. Applicants

(By Advocate : Sh. Anil Singal)

versus

1. Union of India through
 its Secretary,
 Ministry of Health & Family Welfare,
 Nirman Bhawan,
 New Delhi-11.
2. Dr. S.P. Aggarwal,
 Director General of Health Services,
 Ministry of Health & Family Welfare,
 Nirman Bhawan,
 New Delhi-11.
3. The Addl. Director (HQ),
 Central Government Health Scheme,
 Nirman Bhawan,
 New Delhi-11. Respondents

(By Advocate : (S) Madhav Panikar)

12

OA-2596/2000

1. Sh. Mahender Pal Sharma,
S/o Lt. Sh. Raghu Dayal Sharma,
R/o 16 Telegraph Place,
Bangla Sahib Marg,
New Delhi-1.
2. Sh. Lala Ram,
S/o Lt. Sh. Shriji Chand,
R/o Q.No.13, Type-II,
Minto Road,
New Delhi-2.
3. Sh. Bhushan () Gera,
S/o Lt. Sh. Gurdyal Singh,
R/o A-61, Anand Vihar,
Old Uttam Nagar,
Delhi-59.
4. Sh. Rajiv Diwan,
S/o Sh. Suresh Kumar Diwan,
R/o H.No. 2/141,
Subhash Nagar,
New Delhi.
5. Sh. Surender Kumar,
S/o Lt. Sh. Bhoop Singh,
R/o J-429, Shakurpur,
Delhi-34.
6. Sh. Jai Prakash Tyagi,
S/o Lt. Sh. Gajendra Singh,
R/o 19/24, Lady Hardinge
Hospital Compound,
Panchkula Road,
New Delhi.
7. Sh. Ram Narain Paswan,
S/o Lt. Sh. Jeet Lal,
R/o 19, Type-II, Minto Road,
New Delhi-2.
8. Sh. Om Dutt,
S/o Sh. Harbans Lal,
R/o 51, Type-II, Minto Road,
New Delhi-2.
9. Sh. Manender Singh,
S/o Sh. Hari Singh,
R/o 417, Block-87,
Sector-2 Type-II Area,
Gole Market, New Delhi.
10. Sh. Vishnu,
S/o Sh. Ganeshi Lal,
R/o Jhazzar, Delhi Gate,
Nariwalli Gali, Distt. Rohtak,
Haryana.

11. Sh. Dharamvir,
S/o Sh. Ram Kumar,
Village Garhi, Wazirpur,
P.O. Dhamdama,
Gurgaon (Haryana).
12. Sh. Kumar Pal Singh,
S/o Sh. Ram Swarup Ji,
R/o 333/12, Sangam Vihar,
New Delhi-62.
13. Sh. Sher Singh,
S/o Lt. Sh. Murti Dhar,
R/o 2439/11, Natwa Gali,
Chuna Mandi, Panarganj,
New Delhi-55.
14. Sh. Ravi Patra,
S/o Sh. Jai Krishna Patra,
R/o 112, Q.No. 43, Block No.6,
Lady Hardinge Staff Quarters,
New Delhi.
15. Sh. Yogender Singh,
S/o Sh. Sita Ram,
R/o 4838, Laddoo Ghati,
Panarganj, New Delhi. Applicants

(By Advocate : Sh. Anil Singal)

Versus

1. Union of India through
its Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi-11.
2. Dr. S.P. Aggarwal,
Director General of Health Services,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi-11.
3. The Principal & Medical Superintendent,
Lady Hardinge Medical College & Smt.
S.K. Hospital, New Delhi. Respondents

(By Advocate : Sh. Madhav Panikar)

ORDER (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)

Heard both the learned counsel for parties. In
both the aforesaid OAs the applicants are Operation Theatre
Technicians (OTTs) who are aggrieved by certain orders

issued by the respondents, namely, O.M. dated 12.12.2000 and 7.12.2000, withdrawing upgraded pay scale of Rs.5000-8000 granted to them earlier and reducing to Rs. 4000-6000.

2. When the above two cases were taken up for hearing, Sh. Anil Singal, learned counsel for applicants has submitted copies of the orders of the Hon'ble Supreme Court dated 23.8.2002 in Special Leave Petition (Civil) No.20922/2000 (**Union of India & Ors. Vs. Safdarjung H.O.T.T.S. Association & Ors.**) and copy of the Hon'ble High Court order in C.W.P. No. 7043/2000 dated 22.11.2000, the same are placed on record.

3. The respondents in their reply have annexed a copy of the stay order granted by the Hon'ble Supreme Court in the aforesaid SLP. As per the stay order granted by the Hon'ble Supreme Court dated 15.12.2000, it has been clearly stated that stay granted will be till the Special Leave Petition comes up for hearing. Learned counsel for applicants himself has submitted that this is likely to be taken up shortly.

4. We note that by Tribunal's ad interim order dated 15.12.2000, without hearing the respondents, stay has been granted against the operation of the impugned order dated 12.12.2000 in OA-2636/2000. Similarly stay has been

granted against the operation of the impugned order dated 7.12.2000 in OA-2596/2000 by ad interim order before hearing the respondents.

5. It is not disputed by the parties that the facts and issues raised in the present two applications, OA-2636/2000 and OA-2596/2000, are similar to the issues that were raised before the Tribunal in **Safdarjung Hospital Operation Theatre Technical Staff Association & Ors. Vs. U.O.I. & Ors.** (266/2000) decided on 30.5.2000 which is now subjudice before the Hon'ble Supreme Court in the aforesaid Special Leave Petition.

6. In view of the stay order granted by the Hon'ble Supreme Court dated 15.12.2000, which apparently had not been brought to the notice of the Tribunal when the order dated 18.12.2000 was passed, ^{it is} _{will be} binding as also in the other case i.e. OA-2596/2000 where the ad interim order has been granted earlier to the Hon'ble Supreme Court order.

7. In view of the above facts and circumstances, we consider it appropriate to dispose of the two OAs which shall abide by the decision of the Hon'ble Supreme Court in Special Leave Petition (Civil) No.20922/2000. The respondents shall also fully comply with the stay order granted by the Hon'ble Supreme Court and in the circumstances the ad interim orders granted by the Tribunal dated 13.12.2000 and 18.12.2000 in the two OAs, respectively stand vacated. No order as to costs.

15

-6-

8. Let a copy of this order be placed in
OA-2596/2000.

C.S. Ghadha
(C.S. Ghadha)
Member (A)

/vv/

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)