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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 556/2000
M.A. NO. 778/2000

New Delhi this the 10th day of November, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

1. Dr. (Mrs.) S.Aich W/O Dr. R.L.Aich,
D-31, Government Quarters,
Devnagar, New Delhi-110005.
2. Dr. Sujata Senapati W/O Dr. T.K.Jena,
K/60-C, Seikh Sarai, Phase-II,
New Delhi-110017.
3. Dr. Reeta Mongia W/O Dr. Jitender Mongia,
336, GH-14, Paschim Vihar,
New Delhi-110063.
4. Dr. Veena Chellani W/O Dr. Mukesh Chellani,
DG-II, 161-C, Vikaspuri,
New Delhi.
5. Dr. Birendra Kumar Jha S/O Nunu Jha,
E-158, Nanakpura,
New Delhi-110021.
6. Dr. Leela Kunhiraman D/O M.Kunhiraman,
21E, Pocket-3, Mayur vihar, Phase-I,
New Delhi.
7. Dr. Sucheta Tripathi W/O Dr. Vinod Samal,
11A, Navkala Apartments,
Plots-14, I.P.Extension,
Delhi-92.
8. Dr. Ranjana Kumari W/O Shubhendu Kumar,
A-51, Pandara Road,
New Delhi.
9. Dr. (Mrs.) J.K.Das W/O Nand Kishore,
51/25, Gali No.14,
Nai Basti, Anand Parbat,
New Delhi.
10. Dr. Archana Robinson W/O Dr.Shenoi Robinson,
C-72, Inderpuri,
New Delhi-12.
11. Dr. Vinita Tyagi W/O Dr.Sandeep Chatrath,
52/25, Old Rajendra Nagar,
New Delhi-60.
12. Dr. Gayatri W/O Dr. R.P.Singh,
164, Sector-III, R.K.Puram,
New Delhi-22.
13. Dr. Anjala Chaudhary D/O P.Prasad,
R/O L-II, 186, DDA Flats,
Kalkajee, New Delhi.

14. Dr. Rita Roy W/O Dr. R.Mandal,
A-205, Pragati Vihar Hostel,
Lodhi Road, New Delhi-3.

15. Dr. (Mrs.) Abha Bhandari W/O S.K.Bhandari,
17-C, Delhi Admn. Flats,
Near Mahabir Nagar Extn.,
Vikaspuri, New Delhi.

... Applicants

(None present)

-versus-

1. Government of N.C.T. of Delhi
through Secretary, Health,
5, Sham Nath Marg, Delhi.

2. Director of Health Services,
Government of N.C.T. of Delhi,
E-Block, Saraswati Bhawan,
Connaught Place,
New Delhi.

... Respondents

(By Shri Rajinder Pandita, Advocate)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicants and their advocate are absent. We have heard Shri Rajinder Pandita, the learned counsel appearing on behalf of respondents and we proceed to dispose of the OA on merits in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. Applicants had earlier filed several OAs being OA Nos. 1585/97, 2599/97, 2680/97, 2600/97 35/98 and 36/98. Aforesaid OAs were disposed of on different dates by passing 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 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 they have rendered on contract/adhoc basis."

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Aforesaid order has been maintained by the High Court as also the Supreme Court. Respondents in compliance with the aforesaid order have passed the impugned order of 25.8.1999 at Annexure A-1. The same inter alia provides as under :

"In pursuance of instructions contained in letter No.F.69/4/99-H&FW/75/952 dated 5.8.99, regular pay scale, allowances and other service benefits as are admissible to medical officers who are appointed on regular basis in the corresponding pay scales are to be given to doctors appointed on contract basis, as per list annexed w.e.f. the date of judgement mentioned therein. The pay in the scale be fixed at the lowest and arrears on that account be disbursed.

Increment will be admissible to them on completion of one year from the date of judgement.

The detail of break periods specifying the duration of breaks in the service of contract doctors with reason(s) of break is to be sent to this Directorate for consideration of break period as 'DIES NON'." (Emphasis provided).

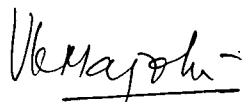
3. By the present OA, applicants impugn the aforesaid order of 25.8.1999 insofar as the same grants pay scale from the date of the judgment rendered in the earlier OAs. According to applicants, they are entitled to the aforesaid pay scale from the date of their initial appointment.

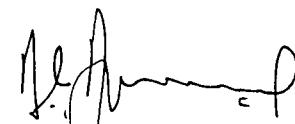
De. J.

4. In our judgment, if one has regard to the orders already passed, the claim made in the present OA is fully justified. The order clearly directs the respondents to grant the applicants the pay scale and allowances and other service benefits as are admissible to medical officers who are appointed on regular basis in the corresponding pay scales. They were also directed to grant increments on completion of one year of service which would be from the date of initial appointment. Aforesaid order, in our view, is clear and unambiguous. The same directs the respondents to pay the regular scale of pay from the date of their initial appointment. This is made further clear by the fact that they have been directed to grant increments to applicants on completion of one year's service, i.e., from the dates of their initial appointments.

5. In the circumstances, the order dated 25.8.1999 at Annexure A-1 insofar as the same grants aforesaid relief only from the date of the judgments in the earlier OAs is quashed and set aside and the respondents are directed to pay the applicants aforesaid pay and allowances from the dates of their initial appointments.

6. Present OA is allowed in the aforesaid terms. There shall be no order as to costs.


(V.K. Majotra)
Member(A)


(Ashok Agarwal)
Chairman