

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

C.P.No.151/2001  
IN  
O.A.No.190/2000

(1)

Thursday, this the 26th day of July, 2001

Hon'ble Shri Govindan S. Tampi, Member (A)  
Hon'ble Shri Shanker Raju, Member (J)

Shri Dharam Vir ..Petitioner.  
(By Advocate: Shri B.S.Mainee)

Versus

1. Smt. Sheleja Chandra  
Secretary to the Govt. of India  
Ministry of Health & Family Welfare  
Dept. of ISM & H,  
Indian Red Cross Society Annexe Bldg.  
1, Red Cross Road,  
New Delhi.

2. Sh. R.M.Gunela  
The Director (ISM)  
Ministry of Health & Family Welfare  
Dept. of ISM & H,  
Indian Red Cross Society Annexe Bldg.  
1, Red Cross Road,  
New Delhi.

3. Sh. R.V.Ahmed  
The Director  
Pharmaceopoeial Laboratory for  
Indian Medicine  
Ministry of Health and Family Welfare  
Govt. of India  
3rd Floor, CGO Bldg.  
Ghaziabad-1 (UP)

..Respondents

(By Advocate: Shri D.S.Mahendru)

O R D E R (ORAL)

By Hon'ble Shri Govindan S. Tampi, M (A):-

Heard Shri B.S.Mainee, learned counsel for the applicant and Shri D.S.Mahendru, learned counsel for the respondents.

2. The Tribunal vide its order dated 13.9.2000 had passed the following orders:-

"5. The OA is, therefore, disposed of with a direction to the respondents to consider the representation made by the

applicant dated 9.10.97 within a period of three months from the date of receipt of a copy of this order. The respondents are also directed to consider the grievance of the applicant as regards the denial of promotional avenues to the Laboratory Attendants. No costs." (S)

3. The above orders were to be complied with within a period of three months. In the counter reply filed by the respondents, it has been represented that as directed by the Tribunal, the representation of the applicant has been duly acknowledged and after examining, the same has disposed of. This normally would have been the satisfactory compliance of the order. Shri B.S.Mainee, learned counsel states that this is not correct as the reply is silent about the last sentence in the order disposing of the OA, wherein the respondents were directed to consider the grievance of the applicant on denial of promotional avenues to the Laboratory Attendants. Shri D.S.Mahendru, learned counsel concedes that there are no promotional avenues for the Lab. Attendants but as an alternative, they have decided to grant them the financial upgradation under the ACP Scheme for which orders have already been issued. Shri B.S.Mainee is not satisfied with the same and states that this is not sufficient as until or unless, they make the provision for promotional avenues, the orders will not be complied with. We are not convinced by this plea of the learned counsel as the respondents have already issued the order granting the financial benefits to the applicant. However, we still advise the respondents to consider the case of the applicant for opening up promotional avenues since he has completed nearly 20 years of service, in accordance with the instructions of the DOP&T on the subject. We do not feel, in the circumstances, that the respondents are willfully or

(3)

(9)

contumaciously flouting the Tribunal's order dated  
13.9.2000.

4. In the circumstances, the C.P. is dismissed as  
devoid of merit. Notices discharged.

5. Shri B.S. Maine, learned counsel seeks liberty to  
file another OA in respect of pay scale. He is at liberty  
to do so, if so advised.

S. Raju  
(Shanker Raju)  
Member (J)

/sunil/

(Govindan S. Tampi)  
Member (A)