

Central Administrative Tribunal
Principal Bench

23

C.P. No. 278/2003 In
O.A. No. 1200/2000

New Delhi this the 20th day of November, 2003

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)
Hon'ble Shri Bharat Bhushan, Member (J)

Mrs. Shailamma Lawrence
W/o Shri Lawrence
63-A, Pocket A2
Mayur Vihar Phase-III
(By Advocate: Shri Sebastian)

-Applicant

Versus

1. Shri R.K. Navalakha
Medical Superintendent
L N J P Hospital
New Delhi-110 002.
2. Shri S.B. Adarwal
Principal Secretary (Health)
Govt. of NCTD
Delhi Govt. Secretariat
Indraprastha Estate
New Delhi-110 002.

-Respondents

(By Advocate: Shri Anurag Sharma, proxy for
Shri George Paracken)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)

OA-1200/2000 was disposed of by order dated
24.1.2001 with the following directions:-

"In the result, the OA is allowed. The impugned order dated 1.5.1998 is quashed and set aside qua the applicant. The respondents are directed to reinstate the applicant in service immediately treating the period from 1.5.1998 as on duty. However, the respondents will have authority to decide about the period of applicant's absence from 7.10.1996 to 30.4.1998 on the basis of applications and medical certificates submitted by her. The respondents are further directed to implement these orders within a period of two months from the date of communication of these orders. No costs".

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2. Respondents carried the matter against the stay orders of the Tribunal in C.W.P. No. 2137/2001 to the High Court of Delhi which was dismissed as withdrawn with liberty by order dated 25.2.2003. Thereafter applicants filed RA No.130/2003 which was disposed of by order dated 30.4.2003 modifying the earlier directions of the Tribunal as follows:-

"9. In the result, the OA is allowed. The impugned order dated 1.5.1998 is quashed and set aside qua the applicant. The respondents are directed to reinstate the applicant in service immediately treating the period from 5.12.1998 as on duty. However, the respondents will have authority to decide about the period of applicant's absence from 7.10.1996 to 4.12.1998 on the basis of applications and medical certificates submitted by her. The respondents are further directed to implement these orders within a period of two months from the date of communication of these orders".

3. Learned counsel of applicant stated that while the respondents have implemented the directions of this court, they have yet not paid to the applicant arrears of pay and allowances for the period from 5.12.1998 to 2.4.2003 in full.

4. On the other hand, learned counsel for respondents pointed out that respondents have paid a sum of Rs.3,77,616/- to the applicant in this regard. It has been claimed on behalf of the applicant that while the applicant was entitled for arrears amounting to Rs.6,38,021/- by way of back wages for the period from 5.12.98 to 2.4.2003, respondents have paid only Rs.3,77,616/-. The details of the difference which the applicant is entitled have not been furnished even in the rejoinder by the applicant.

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5. In our view, respondents have completed substantial implementation of directions of this court, however, applicant seems to be still aggrieved. He may file a representation giving details of his entitlement with the respondents regarding the balance of back wages for the period from 5.12.98 to 2.4.2003 within a period of one month. Respondents shall ascertain veracity of his claim and take a decision within a period of 15 days thereof.

6. C.P. is disposed of with the above directions. Notices to the alleged contemners are discharged.



(Bharat Bhushan)
Member (J)



(V.K. Majotra)
Vice-Chairman (A)

CC.