

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA.No.744 of 1991

Dated New Delhi, this 6th day of March, 1995

Hon'ble Mr Justice S. C. Mathur, Chairman
Hon'ble Mr K. Muthukumar, Member(A)

Shri Nawa Ram
S/o Shri Asha Ram
R/o D-154, School Block Nathu Colony (East)
DELHI-93
By Advocate: None

...Applicant

Versus

1. Delhi Administration through
Secretary (Medical), No.5
Sham Nath Marg
DELHI
2. G. T. B. Hospital through
Medical Superintendent, Shahdara
DELHI

...Respondents

By Advocate: None

O R D E R
(Oral)

Mr Justice S. C. Mathur

The case has been taken up on second call. No one has appeared to press this application and advance arguments on behalf of the applicant. No one has appeared on behalf of respondents also. We have accordingly gone through the record and decide the case on merit.

The applicant seeks a direction against respondents to redesignate him as Chair Recanner in Guru Tegh Bahadur Hospital (Respondent No.2) which is under the charge of Delhi Administration. It is stated in the application that the applicant is a blind person and belongs to a Scheduled Caste category and he was appointed in the Hospital on 21.9.87 against the quota reserved for the handicapped. It is further stated that in the appointment order the applicant was appointed as Nursing Orderly, but he actually performed the duties of post of Chair Recanner and paid salary in the scale of

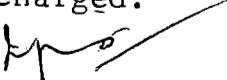
Contd...2

Rs.750-940. On the basis of the recommendations of the Fourth Pay Commission, the salary for the post of Chair Recanner has been fixed in the scale of Rs.950-1500. The applicant's plea is that since he actually discharged the duties of Chair Recanner, he is entitled to be paid salary in the scale of Rs.950-1500 and not in the scale of Rs.750-940 which is a scale of Nursing Orderly.

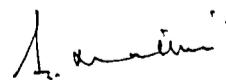
In the counter reply filed on behalf of respondents it has been denied that the work of Recanner has been taken from the applicant. It is pointed out that on 21.9.87 when the applicant was appointed in the Hospital, the post of Chair Recanner did not even exist in the Hospital and it was created only on 6.7.89, but no appointment had been made thereto even till the filing of the reply. The applicant has not filed any rejoinder to controvert the averments made in the counter reply of the respondents.

The applicant has not placed on record any material to substantiate that he actually discharged the duties of Chair Recanner. He has not indicated the duties attached to the post of Chair Recanner. In the absence of rebuttal from the applicant of the allegations made in the counter reply, the applicant has failed to substantiate his claim for salary in the scale of Rs.950-1500.

In view of this, the application lacks merit and is hereby dismissed, but without any order as to costs as no one has appeared on behalf of the applicant and respondents. Interim order if any operating, shall stand discharged.


(K. Muthukumar)
Member (A)

dbc


(S. C. Mathur)
Chairman