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Central Administrative Tribunal, Principal Bench, New Delhi

O.A.No.1280/2004

New Delhi, this the 28th day of February, 2005

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.K. Naik, Member(A)

1. Chander Pal,
S/o Shri Ratan Singh,
R/o F-2/ 163-164,
Mangol Puri,
Delhi-83
2. Chaturvedi Bhartiya,
S/o Shri Tej Pal Singh,
R/o F-27, R-Block,
Dilshad Garden,
Shahdara, Delhi-92
3. Johnson Thomas,
S/o Shri T.C. Thomas,
C/o Sindhu Johnson,
R/o Quarter No.B-1/6,
Babu Jagjeevan Ram Memorial Hospital,
Jahangir Puri, Delhi
4. Lalit Dagar,
S/o Shri O.P. Dagar,
R/o House No.239,
V & P.O. Ujwa,
New Delhi-73

.....Applicants

(By Advocate: None)

Versus

1. The Govt. of NCT of Delhi through
The Principal Secretary,
(Health & Family Welfare),
Indraprastha Sachivalaya,
New Secretariat, I.P. Estate,
New Delhi

2. The Director
Directorate of Health Services,
Govt. of NCT of Delhi,
F-17, Karkardooma,
Shahdara, Delhi.
3. The Medical Superintendent,
Maharishi Balmiki Hospital,
Pooth Khurd, Delhi.
4. The Medical Superintendent,
Shastri Park Hospital,
Shastri Park, New Delhi
5. The Medical Superintendent,
Satyawati Harish Chandra Hospital,
Narela, New Delhi

....Respondents

(By Advocate: Shri Ajesh Luthra)

Order(Oral)

Justice V.S. Aggarwal, Chairman

The respondents had invited applications for appointment to various posts including those of Junior Radiographers. It is stated to be in the pay scale of Rs.4000-6000/- plus allowances. The applicants had been called for the interview and were so selected. Applicants 1 to 3 were appointed in Babu Jagjeevan Ram Memorial Hospital while applicant no.4 was appointed in Rao Tulla Ram Memorial Hospital.

2.The precise grievance in the present application is that the applicants are not being paid the pay and allowances as per the scale of the post. They seek a direction to the respondents to pay them the salary at par with regularly appointed persons discharging the same duties.

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3. In paragraphs 4.7 and 4.8, the respondents plead as under:

"4.7 That in reply to para 4.7 of the OA it is submitted that applicants have been paid their salary till 21 August 03 as per regular pay scale plus admissible allowances, in the mean time few other candidates were appointed on consolidated salary @ Rs.5000/- per month and the proposal of the applicants of this case was also moved through the same file. The proposal was duly approved by the competent authority, however while conveying/interpreting the sanction, the case of applicants was also taken for payment of salary as consolidated salary @ Rs.5000/- per month. There was no such proposal to pay the applicants consolidated salary.

4.8 That the contents of para 4.8 of the OA are matter of record.

4.8 That in reply to the corresponding para (again numbered 4.8) of the OA, the answering respondents crave leave to refer to the submissions made hereinabove. The position has already been clarified in para 4-7, the head of office of the applicants i.e. M.S. SRHC Hospital has already been directed to pay the applicants their salary as per pay scale plus admissible allowances as per court order."

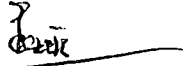
4. It is on the strength of the same that the respondents' learned counsel pointed that so far as the applicants are concerned, they were appointed not at the fixed salary of Rs.5000/- but in the pay scale of Rs.4000-6000/-.


5. In face of the abovesaid fact which has been admitted in the counter reply, the relief claimed can conveniently be granted and accordingly, we dispose of the present application directing the respondents to pay salary to the applicants in the scale of Rs.4000-

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6000/- Arrears, if any, should also be paid to them. O.A. is disposed of.


(S.K. Naik)
Member(A)


(V.S. Aggarwal)
Chairman

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