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Central Administrative Tribunal, Principal Bench

Original Application No. 1590 of 2004

New Delhi, this the 5th day of July, 2004

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

Shiv Kumar
Field Investigator,
Institute For Research in Medical Statistics
(Indian Council of Medical Research)
Ansari Nagar, New Delhi.
R/o F-60, Naya Gaon, Usmanpur, Delhi-53 ... Applicant.

(By Advocate: Shri S.M. Garg)

Versus

1. Indian Council of Medical Research
through its Director General
Ansari Nagar, P.O. Box 4911
New Delhi-110 029.
2. Shri Dr. Arvind Pandey,
Director,
Institute for Research in Medical Statistics
Indian Council of Medical Research
Ansari Nagar, New Delhi.
3. Shri B.S. Sharma,
Administrative Officer,
Institute for Research in Medical Statistics
Indian Council of Medical Research
Ansari Nagar, New Delhi.

.... Respondents

O R D E R (ORAL)

Justice V.S. Aggarwal, Chairman

The applicant by virtue of the present application seeks quashing of the order of 14.6.2004 and direct them to implement the order of 27.12.2001. The impugned order in this regard reads:

"Sub: Re-designation of Mr. Shiv Kumar, Field Investigator as Research Assistant.

I am directed to inform that the orders issued vide this office letter No. 19(27)/93-Admn./280 2817 of dated 27.12.2001 regarding re-designation of Mr. Shiv Kumar, Field Investigator as Research Assistant in the pay scale of Rs. 5500-9000 has been treated as cancelled till further clear orders to ICMR Hqrs. in this regard.

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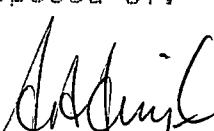
These orders were issued but was not implemented in case of Mr. Shiv Kumar because a letter No. 6/8/97-Admn. II dt. 11-3-2002 was received from the Council. On the basis of this letter some clarifications were sought from Chairman Anomaly Committee/CMR Hqrs. Admn. II vide this office letter No. PF-19(27).93-Admn. II/320-322, dt. 8-5-2002 under the intimation to Mr. Shiv Kumar.

Now as per latest order of the ICMR vide their letter No. 69/14/2002-ECD-II dt. 31-5-2004 (copy enclosed) "the matter is being re-examined by the ICMR with consultation with AAI. It is therefore requested the orders earlier conveyed vide this office letter of even no. dt. 18-5-2004 may not be implemented till further orders issued by the Council in the matter".

This has been issued with the prior approval of the Director."

2. Perusal of the same clearly shows that the matter is being re-examined by the Indian Council of Medical Research. Learned counsel for the applicant contends that this re-examination cannot be done. At this stage, we are not expressing anything in this regard because the matter is under consideration.

3. In face of the aforesaid, we direct respondent no. 1 to consider the matter and take a decision within four months of the receipt of the certified copy of the present order and communicate it to the applicant. O.A. is disposed of.


(S.A. Singh)
Member(A)


(V.S. Aggarwal)
Chairman