

**Central Administrative Tribunal
Principal Bench, New Delhi**



O.A.No.820/2004

Friday, this the 14th day of January 2005

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

1. Rajat Verma (General Secretary)
on behalf of the Hospital Laboratory Technical
Staff Association as General Secretary
2. Hari Mohan Sharma s/o Shri Khacher Mal Sharma
R/o D-II, 346 Nehru Vihar near
Nagariya Printing Press Delhi-94
3. Jitender Kumar Saxena, s/o Shri S.B.Saxena
R/o B-39/A, Pandav Nagar Complex
Ganesh Nagar Gali No.6, Near Kali Mandir,
Delhi-92
4. Sharvesh Pal s/o Shri Ballu Singh
r/o 555/81, Gali No.8, Vijay Park,
Maj Pur, Delhi
5. Ramnath Singh s/o Shri Mukh Ram
r/o RZ F 469/1, Raj Nagar, Palam Colony, Delhi
6. Ranjeet Kumar s/o Shri Bhala Ram
r/o B.553, Jawala Puri, Delhi
7. Vijay Kumar s/o Shri Anand Singh
r/o Village Bamnali, Delhi-45

(The applicants at Sl.Nos. 2 to 7 are working as Lab. Attendant)
o/o Medical Superintendent
G.B. Pant Hospital, New Delhi

..Applicants

(By Advocate: Shri U.Srivastava)

Versus

Govt. of NCT Delhi, through

1. The Principal Secretary
Health (Medical & Public Health)
Govt. of Delhi, Secretariat
ITO Indira Gandhi Indoor Stadium,
New Delhi



2. The Additional Secretary
Public Health and Co-ordinations
Cum Technical Recruitment Cell
Govt. of Delhi, Secretariat
ITO, Indira Gandhi Indoor Stadium
New Delhi
3. The Director
GB Pant Hospital
New Delhi
4. The Medical Superintendent
GB Pant Hospital
New Delhi

...Respondents

(By Advocate: Shri Rishi Prakash)

O R D E R (ORAL)

Justice V. S. Aggarwal:

The applicants, by virtue of the present petition, seek quashing of the order of the respondents whereby their scale has been reduced to Rs.2610-3540/- instead of Rs.2650-4000/-.

2. The facts are within the narrow compass and they can conveniently be delineated. The applicants are working as Laboratory Attendants. In pursuance of the requisition that was made from the Employment Exchange, the offer of appointment had been issued to the applicants indicating that they should be appointed in the scale of Rs.800-1150/- (revised scale Rs.2650-4000/-). The order of appointment also indicates that they were all appointed in the pre-revised scale of Rs.800-1150/-.
3. Thereafter, an order (page 33) was issued revising the pay scale of the applicants to Rs.775-1150/-. It was followed by another order dated 8.3.1999, which reads as under:-

"In supersession of this hospital order No. F.34-14(2)/GBP/ Estt./12969 dated 7.10.97 the pay scale of Rs.775-1150/- granted instead of Rs.800-1150/- (pre-revised) may be read as Rs.2650-4000/- (revised) for the post of Lab. Attendant/CSSD

- (S. Agg)

(3)



Attendant/Dark-Room Attendant of this hospital. This issues with the approval of the Director, GBPH."

4. Presently it is contended that vide the impugned order that has now been passed, their scale has again been put back to pre-revised scale of Rs.775-1150/-.

5. Various pleas have been raised at the Bar. Respondents' learned counsel even argues that it was demanded that there should be a cadre review of Group 'D' staff and that there was pre-revised scale of Rs.800-1150/- At this stage, it is wholly unnecessary for us to go into the said controversy, reason being that while applicants' pay scales were again put on 8.3.1999 to the pre-revised scale of Rs.800-1150/-, the same have been reduced without even issuing a notice to show cause to the applicants.

6. Once the civil rights of the opposite party are involved, the principals of natural justice cannot be ignored. To the same effect is the decision of the Supreme Court in the case of ***Bhagwan Shukla s/o Sh. Sarabjit Shukla v. Union of India & others***, JT 1994 (5) SC 253.

7. In face of the aforesaid, on this short ground, the petition is allowed and the impugned order is quashed. The respondents may take, if necessary, further steps in accordance with law. The consequential benefits should be accorded to the applicants within three months of the receipt of a certified copy of the present order. However, as for present, we are not expressing anything on the other controversies of the matter.

S. K. Naik
(S. K. Naik)
Member (A)

V. S. Aggarwal
(V. S. Aggarwal)
Chairman

/sunil/