

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.275 of 2000.

Allahabad this the 10th day of May 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.  
Hon'ble Mr. D.R. Tiwari, A.M.

1. Smt. Ishrawati Devi  
w/o Dr. I.N. Pandey.
2. Rakesh Kumar Pandey  
S/o Dr. I.N. Pandey.
3. Km. Suman Pandey  
d/o Dr. I.N. Pandey.
4. Km. Ruchi Pandey  
D/o Dr. I.N. Pandey.
5. Smt. Pushpa Pandey  
w/o Sri V.K. Shukla
6. Smt. Rekha Pandey  
w/o Sri Rajnish Tripathi.

All r/o 240 Sehbatia bagh, Allahabad.

.....Applicants.

(By Advocate : Sri Sudhir Agrawal/  
Sri S.K. Mishra)

Versus.

1. Union of India  
through the Secretary  
Ministry of Defence,  
New Delhi.
2. The Director General,  
Armed Forces Medical Services,  
Raksha Mantralaya Karyalaya DG,  
AFMS 'M' Block New Delhi.
3. The Commandant, 508 Army Base  
Workshop, Allahabad.

.....Respondents.

(By Advocates : Km.S Srivastava/ Sri S.C.  
Chaturvedi)  
O R D E R

(by Hon'ble Mr. Justice S.R. Singh, V.C.)

Heard Sri S Agrawal, Senior Advocate assisted by  
Sri Anubhav Trivedi learned counsel for the applicant and  
Sri S.K. Pandey holding brief of Km. S Srivastava learned  
counsel for the respondents.

*(Signature)*

2. The applicant herein has instituted the instant O.A. for following relief (s):-

"1. to issue mandamus directing the respondents to consider the applicant for regularisation on the post of Asstt, Surgeon Grade-I on the basis of service record treating him as separate block through Union PSC without requiring the applicant to compete with open market candidates and to give all consequential benefits.

2. to issue a mandamus directing the respondents to give annual increments and other service benefits to the applicant treating him to be continuously appointed with effect from 24.1.1992 with further benefit of leave and other allowances as are admissible to other Central Government employees in view of law laid down by this Hon. Tribunal in O.A. No.275 of 1987 Dr. P.N. Misra and others Vs. Union of India and others decided on 11.05.1988.

3. ....

4. ....".

3. The facts giving rise to this O.A., stated briefly are these: The applicant was appointed as Medical Officer vide order dated 15.12.1992 on ad hoc basis for a period of one year; the appointment was extended from time to time; applicant filed O.A. No.1845 of 1994 which came to be disposed of vide order dated 22.07.1996 with a direction to the respondents not to replace the applicant by another adhoc appointee and to allow the applicant continue till he is replaced by a regularly selected doctor; As a result, of the said order the applicant continued on the post.

During the pendency of the O.A., however, applicant died on 25.04.01. Consequently the first relief claimed herein has been rendered infructuous as stated by Sri Sudhir Agrawal who confined the arguments with reference to the second relief.

4. Learned counsel for the applicant has submitted that the applicant was entitled to annual increments and usual allowances. He has placed reliance on the judgment of Central Administrative Tribunal, Allahabad in O.A. No. 275 of 1987, Dr. P.N. Mishra Vs. Union of India decided on

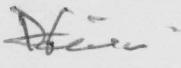
Corrected  
vide O.A. 84  
on this  
application  
8/5/01  
3/5/01

Reff

11.05.1988. It may be stated that the legal representative was substituted by order dated 15.11.2002 and amendment application was moved for issuance of a direction to the respondents to grant compassionate appointment. However, Sri S Agrawal has submitted that since the applicant died as are ad hoc employee, the provision for grant of compassionate appointment are not attracted and in this back-dropped Sri S Agrawal confined only with respect of second relief regarding relief for increments and other related service benefits.

5. Having regard to the contention of the parties, we are of the view that the annual increments due to the deceased applicant before his death should be granted to him. Respondents are accordingly directed to refix the salary and grant the annual increments to the deceased due to him from time to time and pay the arrears with other usual admissible allowances to be worked out within a period of three months.

6. The O.A. is accordingly disposed of with no order as costs.

  
Member-A.

  
Vice-Chairman.

Manish/-