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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No. 847/2006

THURSDAY, THIS THE 31<sup>st</sup> DAY OF AUGUST, 2006

HON'BLE MR. A.K. SINGH ... MEMBER (A)

1. Dr. B.D. Gupta, S/o Late Sri Chaturbhuj Dass,  
Retired Senior Scientist, A.G. Division,  
Indian Veterinary Research Institute,  
Izatnagar, Bareilly (U.P.)  
D-108/7, Rajeev Kunj Colony,  
Bareilly.
2. Dr. B.S. Rathore, S/o Late Sri A.S. Rathore,  
Retired Principal Scientist, A.G. Division,  
Indian Veterinary Research Institute,  
Izatnagar, Bareilly (U.P.)  
146, Janakpuri, P.O. Izatnagar,  
Bareilly.
3. Dr. R.L. Arora, S/o Sri C.L. Arora,  
Retired Principal Scientist, A.G. Division,  
Indian Veterinary Research Institute,  
Izatnagar, Bareilly (U.P.)  
E-1060, Rajendra Nagar, Izatnagar,  
Bareilly.
4. Dr. P.N. Kaul, S/o Late Sri J.N. Kaul,  
Retired Principal Scientist, A.G. Division,  
Indian Veterinary Research Institute,  
Izatnagar, Bareilly (U.P.)  
238-A, Karmchari Nagar,  
Bareilly.
5. Dr. B.B. Srivastava, S/o. ate Sri R.B. Lal,  
Retired Principal Scientist, A.G. Division,  
Indian Veterinary Research Institute,  
Izatnagar, Bareilly (U.P.)  
237, Karmchari Nagar,  
Bareilly.
6. Dr. D.C. Shukla, S/o Late K.D. Shukla,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
69, Karmchari Nagar, Bareilly.
7. Dr. S.B. Lal, S/o Late Sri Lakhan Lal Srivastava,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
70, Karmchari Nagar, Bareilly.

*W.M.D.*

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8. Dr. B.B.L. Mathur, s/o Sri R.S. Mathur,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
C-299/3, Rajendra Nagar, Bareilly.
9. Dr. Mahesh Chandra Saxena,  
S/o Pursotam Narayan Saxena,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
A-232 Rajendra Nagar, Bareilly.
10. Dr. Greesh Mohan, S/o Late Sri Jetpal Ji,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
C-512 Rajendra Nagar, Bareilly.
11. Dr. T.P. Parai, S/o Late Satish Charan Parai,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
C-373 Rajendra Nagar, Bareilly.
12. Dr. K.C. Tripathi, S/o Late Sri G.D. Tripathi,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
C-257/3 Rajendra Nagar, Bareilly.
13. Dr. S.C. Mishra, S/o Sri Hari Charan Mishra,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
E-1212 Rajendra Nagar, Bareilly.
14. Dr. A.K. Pandey, S/o B.R. Pandey,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
C-24, Ekta Nagar, P.O. Izatnagar, Bareilly.
15. Dr. M.L. Mehrotra, S/o C.L. Mehrotra,  
Retired Joint Director,  
I.V.R.I., Izatnagar, Bareilly,  
77 North City, Bareilly.
16. Dr. Kali Charan, s/o Late Sri Het Ram,  
Retired Scientist,  
I.V.R.I., Izatnagar, Bareilly,  
57-C Vaibhav Suncity Vistaar, Bareilly.
17. Dr. J.C. Verma, S/o Late Sri M.L. Verma,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
D-7 Priyadarshan Nagar, Bareilly.
18. Dr. D.K. Agrawal, S/o Sri P.K. Agrawal,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
151 Janakpuri, Bareilly.
19. Dr. N.C. Srivastava, S/o Sri U.S. Srivastava,

*W.M.D.*

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Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
158 Lake Shore Homes Kesavahallu,  
Bareilly.

20. Dr. V.P. Singh, S/o Sri G.K. Singh,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
1134 Janakpuri, Bareilly.

21. Dr. I.H. Siddiqui, S/o Mr. Imadul Hasan,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
386 Nawada Sheikhan, Old City, Bareilly.

22. Dr. K.N. Kapur, S/o Late Sri P.C. Kapur,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
192 Avas Vikas Colony, Bareilly.

23. Dr. Gopal Narain, S/o Late Sri S.N. Tandon,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
198 Civil Lines, Bareilly.

24. Dr. Y.N. Siddiqui, S/o Late M.A. Siddiqui,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
49 Shahabad, Bareilly.

25. Dr. Murari Lal, S/o Late Sri Ram Charan Saraswat,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
21 Trishul Enclave, IVRI Road, Izatnagar, Bareilly.

26. Dr. M.M. Saxena, S/o Late Sri Nandanandan,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
Karamchari Nagar, Bareilly.

27. Dr. T.K. Verma, S/o Sri K.P. Varma,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
Generator Gali Tiberinath Colony, Bareilly.

28. Dr. A.C. Goel, S/o Late Sri Hari Shanker,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
D-50 Indra Nagar, Bareilly.

29. Dr. I.V. Mogha, S/o Sri R.B. Mogha,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
B-39 Rajendra Nagar, Avas Vikas Colony, Bareilly.

30. Dr. Rajendra Lal Shah, S/o Sri K.L. Shah,  
Retired Scientist, A.G. Division,

Mdp

*Adm*

I.V.R.I., Izatnagar, Bareilly,  
A-10 Judge Horm Halalawani Uttaranchal.

31. Dr. Nitya Nand Pathak, S/o Sri I.D. Pathak,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
113-B Natika Suncity Vistar, Bareilly.

32. Dr. Satish Kumar, S/o Late Sri Munishwar,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
Leela Kunj Nakula Ganj, Bareilly.

33. Dr. G.L. Kaul, S/o Late Sri Shyam Sunder Kaul,  
Retired Scientist, A.G. Division,  
I.V.R.I., Izatnagar, Bareilly,  
45 Ashoka Enclave Muni Fareedabad, (Haryana). . . . . Applicants

(By Advocate Dr. G.S.D. Mishra)

Vs.

1. Union of India, through President,  
Indian Council of Agricultural Research,  
Krishi Bhawan, New Delhi.

2. Secretary,  
Indian Council of Agricultural Research,  
Krishi Bhawan, New Delhi.

3. Director,  
Indian Veterinary Research Institute,  
Izatnagar, Bareilly.

4. Assistant Administrative Officer,  
Establishment Section – I,  
I.V.R.I., Izatnagar, Bareilly. . . . . Respondents

(By advocate Shri Saumitra Singh,  
Senior Central Government Standing Counsel)

#### ORDER

Heard Dr. G.S.D. Mishra, counsel for the applicants and Shri Saumitra Singh, the learned Senior Central Government Standing Counsel, for Respondents.

2. O.A. No.847/2006, has been filed by applicant Dr. B.P. Gupta and Others, in which they have claimed the benefit accorded under O.M. bearing No.F.No.105/1/20044C, issued by the Government of India, Ministry of Finance, Department of Expenditure, dated 06.10.2004. The O.M. in question has been

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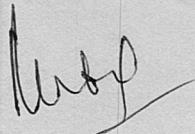
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issued on representations made on the subject "with regard to manner" in which pay of doctors was to be regulated with effect from 01.04.2004, as in the opinion of the Government in some cases, imposition of ceiling of Rs.29,500/- by the Government on Basic pay plus NPA in this regard was proving detrimental to senior doctors as was resulting in loss of emoluments to them. Accordingly, the issue has been re-considered by the Government and it has been decided that subsequent to merger of D.A. equivalent to 50% of basic pay as dearness pay with effect from 01.04.2004, the limit of basic pay plus NPA which was Rs.29,500/- was modified to the extent that Basic pay + DP + NPA for doctors shall not exceed Rs.44,250/-. Furthermore, Dearness Pay and NPA with effect from 01.04.2004 in cases of doctors would be as under:-

Basic Pay	-	18000
NPA @ 25%	-	4500
	-----	22500
DP @ 50% of 22500		11250
Basic Pay		18000
DP		11250
	-----	29250
NPA @ 25% of 29250		7313
	-----	36563
DA @ 11% of 36563		4022
	-----	40586

"The above existing instructions of the subject may accordingly be treated as modified to the above extent."

3. In the light of the aforesaid circular, the applicants claim that they will be entitled to the benefit of an additional emoluments to the extent of Rs.1,000/- as per the aforesaid O.M. with effect from 01.04.2004. Accordingly, they have filed representations on various dates before the competent authority, i.e., Respondent No.3. The applicants in this case have also retired already on different dates.



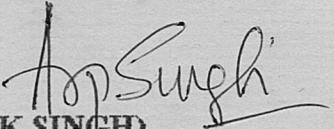
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Even though this O.A. is belated, nonetheless, there is no question of limitation in the matter of pay, etc., as the cause of action in the case of the applicants is continuous and recurring. The learned counsel, Dr. G.S.D. Mishra, submits that he will be satisfied if a direction is issued to the respondents to decide the representations of the applicants in accordance with the above O.M. dated 06.10.2004 within a definite time frame.

4. I have considered the matter. I feel that instead of directing the respondent No.3 to decide various representations of the applicants to the respondents to consider and decide the case, it will be more appropriate to direct the respondent No.1 to this O.A. itself as representation from them and to consider and decide the same in accordance with the provisions contained in the O.M. bearing No.F.No.105/1/20044C, issued by the Government of India, Ministry of Finance, Department of Expenditure, dated 06.10.2004, within a period of three months from the date of receipt of a certified copy of this order. *Reff* *through a speaking order* *Reff*

5. The O.A. is disposed of in the manner stated above.

6. A copy of the order along with the O.A. may be given to Shri Saumitra Singh for necessary consideration and decision by Respondent No.1.

  
(A.K.SINGH)  
MEMBER (A)

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