

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.495/2001

Dated Monday this the 6th day of March, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

P.Hamarunnisa
W/o Ahammed
Auxiliary Nurse Midwife
Primary Health Centre
Union Territory of Lakshadweep
Kadamat Island.

Applicant.

(By advocate Mr. M.V.Thamban)

Versus

1. The Administrator
Union Territory of Lakshadweep
Kavaratti.
2. The Director of Medical and Health Services
Union Territory of Lakshadweep
Kavaratti.
3. Union of India represented by
The Secretary
Ministry of Health and Family Welfare
New Delhi.

Respondents

(By advocate Mr.P.R.Ramachandra Menon for R1-2)
(By Mr.C.Rajendran, SCGSC for R3)

The application having been heard on 6th March, 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant who is working as Auxiliary Nurse Midwife, Primary Health Centre, Kadamat Island, is aggrieved that she has not been given the proper fixation of pay reckoning the pay drawn by her in the post of Maternity Assistant from which post she had resigned for joining duty as Auxiliary Nurse Midwife. Her last representation Annexure A-9 dated 5.1.2001 made to the Administrator remains not responded to. The applicant has therefore filed this application for the following reliefs:

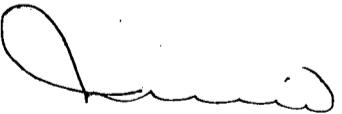
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- (i) To call for the records leading up to Annexure A9 and direct the respondents 1 & 2 to grant pay fixation benefit in the scale applicable to auxiliary nurse midwife taking into account the basic pay the applicant was drawing at the time of appointment giving due weightage for the number of years served by the applicant.
- (ii) To issue a declaration that the applicant is entitled to get the benefit of fixation of pay in the present post taking into account the basic pay she was already drawing at the time of joining the post of Auxiliary Nurse Midwife and to grant higher starting in the scale with retrospective effect from the date of appointment.
- (iii) To declare that the resignation tendered by the applicant in the year 1994 is only a technical resignation which will not forfeit the past service for the purpose of protection of pay or pay fixation.

2. Respondents in their reply statement contend that the applicant is not entitled to the fixation of pay as claimed by her in view of the fact that she did not apply through proper channel and she resigned on her own. However when the application came up for hearing today, learned counsel on either side agreed that the application may be disposed of directing the first respondent to consider A-9 representation of the applicant and to give an appropriate reply within a reasonable time.

3. In the light of the above agreement, this application is disposed of directing the first respondent to consider A-9 representation of the applicant and give the applicant an appropriate reply within a period of three months from the date of receipt of the copy of this order.

Dated 6th March, 2003.


T.N.T.NAYAR
ADMINISTRATIVE MEMBER

aa.


A.V. HARIDASAN
VICE CHAIRMAN