

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

St.

XXXXXXXXXX ORIGINAL APPLICATION No. (N) 184 / 1996

(O.A.NO.839/96 (N))

Date of Decision: 16.8.1996

S.D.Joshi

Petitioner/s

Shri M.M.Sudame.

Advocate for the
Petitioner/s

V/S.

Union of India & Ors.

Respondent/s

Advocate for the
Respondent/s

CORAM :

Hon'ble Shri B.S.Hegde, Member (J)

Hon'ble Shri P.P.Srivastava, Member (A)

- (1) To be referred to the Reporter or not ? *ps*
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? *ps*

(P.P.SRIVASTAVA)
MEMBER (A).

(B.S. HEGDE)
MEMBER (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI
CAMP : NAGPUR

St.No.(N) 184/96

(O.A.No.(N) 839/96).

Friday, this the 16th day of August, 1996.

CORAM: Hon'ble Shri B.S.Hegde, Member (J)

Hon'ble Shri P.P.Srivastava, Member (A)

Sripad Digambar Joshi
Chief Medical Officer,
Central Govt. Health Scheme,
Nagpur, R/o. Plot No. 24,
Puranik Lay-out, Bharat Nagar,
Nagpur.

By Advocate Shri M.M.Sudame

... Applicant

V/S.

1. Union of India, through
the Secretary, Ministry of
Health, Nirman Bhawan,
New Delhi.
2. The Director, Central
Government Health Scheme,
Nirman Bhawan, New Delhi.
3. Joint Director,
Health Scheme,
Siminari Hills,
Nagpur.

... Respondents

O R D E R (ORAL)

(Per: Shri B.S.Hegde, Member (J))


Heard Mr.M.M.Sudame for the applicant.


He states that the applicant was initially appointed as Junior Medical Officer on ad-hoc basis and later on he has been regularly selected by the Union Public Service Commission on 12.12.1974. The respondents by their letter dated 5.5.1994 stated that "the applicant has been working as Senior Medical Officer w.e.f. 25.11.1982 and Chief Medical Officer w.e.f. 24.12.1988. It has also been noted that after applying the criteria in calculating the dates from which these officers become due for promotion in pursuance of the direction of the Supreme Court



that Dr.S.D.Joshi becomes due for promotion w.e.f. 25.11.1982 as Senior Medical Officer and 15.9.1989 as Chief Medical Officer. Thus, Dr.S.D.Joshi may not benefit in the matter of promotion as CMO in case he is given the benefit in pursuance of the judgement of the Supreme Court." Learned counsel for the applicant submits that pursuant to the option given, the applicant has given his option on 23.5.1994 stating that he does not want to avail the benefits of the Supreme Court judgement in civil appeal no. 3519 of 1984 dated 29.10.1991. Again, he states that the respondents vide their letter dated 7.8.1995 sought for further option and thereafter he gave his revised option on 25.8.1995 to revert back in regularised (Adhoc) cadre from regular cadre. Thereafter, the respondents issued letters dated 20.11.1995 and also dtd. 22.7.1996 reducing the pay of the applicant what he was drawing. Against which he made a representation vide his letter dated 4.7.1996 which is addressed to the Secretary, Govt. of India, Ministry of Health & Family Welfare, (Department of Health), Nirman Bhawan, New Delhi, which is pending consideration.

2. In the circumstances, we hereby direct the respondents to dispose of the pending representation by passing a speaking order within a period of three months from the date of receipt of this order. Till the date of finalisation of the representation, the pay of the applicant may not be reduced. Liberty is given to the applicant to challenge the order passed by the respondents, if he so aggrieved. The OA. is disposed of.


(P.P. SRIVASTAVA)
MEMBER (A)


(B.S. HEGDE)
MEMBER (J)