

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.382 of 2001

Dated this the 3rd day of October, 2001

Coram: Hon'ble Mr.B:N.Bahadur - Member (A)
Hon'ble Mr.S.L.Jain - Member (J)

Dr.Haresh D.Ramaiya,
Public Health Dentist,
Primary Health Centre,Ghoghla-Diu,
R/o B-1/18 & V-1/14, Mahavir Nagar,
Ellora Park,Atma Jyoti Ashram Road,
Near Hari Ohm Nagar Bus Stand,
Vadodara - 390 007.
(By Advocate Shri S.R.Atre)

- Applicant

VERSUS

1. Union of India,
through the Secretary,
Ministry of Health & Family Welfare,
Nirman Bhavan, New Delhi 110001.
2. The Administrator,
Administration of Union Territory
of Daman & Diu, Secretariat,
Moti Daman, Daman - 396 220.
3. The Finance Secretary,
Administration of Union Territory
of Daman & Diu,
Department of Personnel,
Secretariat, Moti Daman,
Daman - 396 220.
4. The Director of Accounts,
O/o Director of Accounts,
Administration of Union Territory
of Daman & Diu and Dadara & Nagar
Haveli, Daman - 396 220.

- Respondents

ORAL ORDER

The relief sought in this OA is as follows:-

(A) This Hon'ble Tribunal be pleased to call for the records and proceedings of the present case and after examining the legality and propriety thereof direct the respondents to grant the applicant promotion to the post of Senior Medical Officer on the date when he completed four years of regular service and to the post of Chief

Medical Officer on completion of 6 years of regular service in the post of Senior Medical Officer and/or on completion of 10 years of service as Medical Officer and Senior Medical Officer and accordingly grant the applicant all the due arrears of pay including the arrears as would become due and payable on the basis of the 4th and 5th Pay Commissions report in the above referred posts and also on the basis thereof fix the applicant's pay on the date of his voluntary retirement, namely 4.7.2000, and by doing so also grant the applicant all the pensionary benefits as would otherwise be due and payable to the applicant.

(B) This Hon'ble Tribunal be also pleased to call for the records and proceedings of the present case and after examining the legality and propriety thereof direct the respondents to grant the applicant arrears of salary in the post of Senior Medical Officer w.e.f. 1.12.1991 till 14.7.2000 as would otherwise be accruable to the applicant on the basis of the 5th Pay Commission report, etc., and accordingly also fix the applicant's pensionary benefits after fixing the pay of the applicant at the appropriate stage along with all the consequential benefits.

(C) This Hon'ble Tribunal be pleased to hold and declare that the action on the part of the respondents in not granting the applicant the due benefits of arrears of pay as illegal and bad in law and accordingly direct the respondents to pay to the applicant all the due benefits within a particular period specified by this Hon'ble Tribunal.

(D) Pass any such order and/or orders as this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the present case.

(E) Cost of the application be provided for.

It is stated by both learned counsel that in Para 1 of the written statement the respondents have already granted in situ promotion to the applicant to the grade of Senior Medical Officer w.e.f. 1.12.1991 vide order dated 2.6.1997. Also further promotion to the next grade of Chief Medical Officer has been provided vide order dated 26.6.2000 in the scale of



Rs.3,700-5000/- w.e.f. 1.12.1993. The learned counsel for the respondents also draws our attention to Para 17 of the written statement of respondents which reads as under:-

"17. With reference to Para 5 (f) of the application, the Respondents submit that the case of the applicant was considered as per the recommendation of Tikku Committee and order was issued on 02.6.1997. However, due to no formal approval from the Ministry, the payment of arrears could not be done. Since approval has now been conveyed by the Ministry, the pay fixation will be done and arrears of pay will be drawn with effect from the date of grant of in-situ promotion i.e. 01.12.1991 and the pension will be revised accordingly."

2. In view of this, OA is deemed to be disposed of since the relief sought has been met. Arrears and other dues should be paid to the applicant within a period of four months from the date of receipt of a copy of this order. The OA is disposed of accordingly.

3. No costs.

S.L.Jain
(S.L.Jain)
Member (J)

B.N.Bahadur

(B.N.Bahadur)
Member (A)

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