

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,

CIRCUIT COURT SITTING AT BILASPUR
Original Application No. 81 of 2005
Bilaspur, this the 27th day of July, 2005

Hon'ble Shri M.P. Singh, vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

1. Ishwari Masih
S/o Sri K. Masih
aged about 40 years
Para Medical Worker
Regional Leprosy Training &
Research Institute (CG)

2. Sandeep Chatterjee
S/o Shri R Chatterjee
aged about 40 years
R/o Near Maratha Boarding
Budhapara,
Raipur (Chhattisgarh)

APPLICANT

(By Advocate - Shri S. Paul)

VERSUS

1. Union of India
Through its Secretary
Ministry of Health & Family Welfare
Nirman Bhawan,
New Delhi.
2. The Director General of Health Services
(Leprosy Division)
Nirman Bhawan,
New Delhi.
3. The Director,
Regional Leprosy Training
& Research Institute
Lalpur, Rajpur
(Chhattisgarh)

RESPONDENTS

(By Advocate - Shri A.P. Khare)

ORDER (Oral)

By M.P. Singh, vice Chairman -

By filing this OA, the applicants have sought the
following main reliefs :-

- "(ii) Set aside the order dated 14.10.2004 Annexure-A-1
& Order dated 14.12.2004 Annexure-A-2.
- (iii) Command the respondents to restore the pay-scale
of the applicant fixed as per order dated 22.8.2000
and 18.8.2000 Annexure A-3 and order dated 11.4.03
Annexure A-5.
- (iv) Direct the respondents to pay arrears of salary
consequent of the order dated 22.8.2000 and
18.8.2000 with 18% interest per annum.



2. Heard the learned counsel for the parties and carefully perused the records.


3. The learned counsel for the respondents submits that this OA has become infructuous in view of the order passed by the respondents on 8.2.2005 whereby the respondents have cancelled the first financial up-gradation of the applicants which was granted to them in the pay scale of Rs.4500-7000 on erroneous up-gradation of pay scale of Rs.4000-7000 under ACP scheme w.e.f. 9.8.1999 vide order dated 11.4.2003.

4. On the other hand, the learned counsel for the applicants submits that the aforesaid order was passed subsequently by the respondents after filing this OA. He seeks permission to make an amendment in the OA for challenging the order dated 8.2.2005.

5. We have given careful consideration to the rival contentions made on behalf of the parties. We find that the applicants have challenged the orders dated 21.6.2005 and 27.6.2005 passed by respondents by filing an MA No.637/05 for amendment in the OA. We further find that the applicants have also not challenged the aforesaid order dated 8.2.2005 by which this OA has become infructuous. They ^{have} also ² not challenged the order dated 8.2.2005 and ^{have} ² also not included ⁱⁿ ^{the} ^{same} in the amendment application i.e. in the aforesaid MA which was filed on 24.7.2005. We also find that the reply has been filed in the month of May 2005 and till now the applicants have not challenged the order dated 8.2.2005 which is the main order by which the benefits given to the applicants are taken away by the respondents.

6. In view of the above, the OA has become infructuous. Accordingly, the OA is dismissed as infructuous. However, the applicants are at liberty to approach the Tribunal, if they still feel aggrieved and so advised.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman