

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

08.01.2013

OA No. 180/2012

Mr. Shiv Charan Gupta, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondents nos. 1 & 3.
Mr. Anurag Agarwal, Proxy counsel for
Mr. M.D. Agarwal, Counsel for respondent no. 2.

Heard learned counsel for the parties.

The OA is disposed of by a separate order.

Anil Kumar
(Anil Kumar)

Member (A)

K. S. Rathore
(Justice K.S.Rathore)
Member (J)

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THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Dated, this the 8th day of January, 2013

ORIGINAL APPLICATION No. 180/2012

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

National Institute of Ayurveda Teachers Welfare Socoety through its General Secretary, Dr. Om Prakash Dadhich s/o Shri Brij Mohan Dadhich, aged about 51 years, r/o 17 Durga Vihar, Near Ram Mandir, Sita Bari, Tonk Road, Jaipur at present serving as Associate Professor at National Institute of Ayurveda, Jaipur

.. Applicant

(By Advocate : Shri Shiv Charan Gupta)

Versus

1. Union of India,
Ministry of Health and Family Welfare,
Department of Ayurved, Yog, Unani, Siddha &
Homeopathy (AYUSH), Government of India,
New Delhi through its Secretary.
2. National Institute of Ayurveda,
Amer Road, Jorawar Singh Gate,
Jaipur through its Director.
3. The Secretary, Department of Expenditure,
Ministry of Finance, Government of India,
North Block, New Delhi.

.....Respondents

(By Advocate : Shri Mukesh Agarwal for resp. No. 1 & 3 and Shri Anurag Agarwal proxy counsel for Shri M.D.Agarwal, counsel for resp. No.2)

ORDER (ORAL)

This is second round of litigation. Earlier, the applicant has filed OA No.16/2012 and the same was disposed of vide order dated 9.1.2012 with direction to the respondents to decide the notice for demand of justice in view of the scheme framed by the respondents and shall pass a speaking order within a period of four weeks from the date of receipt of copy of the order with advance copy to the learned counsel for the applicant. Liberty was also granted that if any prejudicial order is passed, the applicant may file a substantive OA.

2. Pursuant to the direction issued by this Tribunal vide order dated 9.1.2012, the respondents have considered the notice for demand of justice and passed a speaking order dated 16.2.2012 (Ann.A/1). The respondents while disposing of the notice for demand of justice observed as under:-

"6. AND WHEREAS, the Department has already moved a proposal for extending the DACP scheme, recommended by the 6th Central Pay Commission to different categories of Medical Posts in the National Institutes under the Department of AYUSH. As it involves consultation with various agencies/Departments/Ministries such as Internal Finance Division (IFD), Ministry of Health and Family Welfare, Department of Expenditure, Ministry of Finance, Department of Personnel and Training (DOPT) and may be the Ministry of Law, Justice and



Company Affairs, the outcome of the DACP scheme and the time-frame for its implementation is likely to take considerable time. As soon as a decision is arrived, the same shall be implemented through concerned National Institutes."

3. Bare perusal of above observation in the speaking order dated 16.2.2012 reveals that proposal for extending DACP scheme recommended by the 6th Central Pay Commission to different categories of Medical Posts in the National Institutes under the Department of AYUSH has already been moved and the same is under consideration at various stages and the respondents submits that this process will take considerable long time. In view of above, the respondents are advised to expedite the matter and decide the issue involved expeditiously but in any case not later than a period of six months from the date of receipt of a copy of this order. If any prejudicial order is passed by the official respondents, the applicant is at liberty to redress his grievance before the appropriate forum.

4. With these observations, the OA stands disposed of with no order as to costs

Anil Kumar
(ANIL KUMAR)
Admv. Member

J. S. Rathore
(JUSTICE K.S.RATHORE)
Jdil. Member

R/