

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 189/2017

New Delhi, this the 31st day of January, 2017

HON'BLE MR. P.K. BASU, MEMBER (A)
HON'BLE DR. BRAHM AVTAR AGRAWAL, MEMBER (J)

Suresh Kumar Verma,
Aged 61 years, Group 'C',
Post – Tradesman Typing,
S/o Late Shri Deep Chand Verma,
R/o 30/227, Hanna Gali,
Chhipitola, Agra (U.P.).

.. Applicant

(By Advocate : Ms. Ruchika Mittal)

Versus

1. Union of India
Through Secretary
Ministry of Defence,
Sena Bhawan, New Delhi.

2. The Commandant,
Military Hospital,
Agra Cantt, Agra (U.P.)

.. Respondents

(By Advocate : Mrs. Meenu Mainee for Ms. Kiran Ahlawat)

ORDER (ORAL)

By Mr. P.K. Basu, Member (A)

Heard the learned counsel.

2. The learned counsel for the applicant states that T.A. No.99/2013, earlier filed by the applicant, was disposed of by this Tribunal on 10.07.2014 with the following directions:

“In view of contents of offer of appointment and appointment order issued to applicant (ibid) as also the judgment of Hon'ble Supreme Court in **Mineral Exploration**

Corporation Employees' Union vs. Mineral Exploration Corporation Limited and Anr. (Civil Appeal No. 2027-2028 of 2000) (ibid), we are of the considered view that applicant cannot be termed as part time or adhoc employee for a long period of almost 4 decades and should have been paid the same salary as paid to other regular employee of the Military Hospital Agra Cantt. employed in the pay scale of Rs. 260-400 revised from time to time. Ergo, the respondents are directed to treat the applicant as employee in the pay scale of Rs.260-400 w.e.f. 19.05.1978 and re-fix his salary as is paid to the regular employee of Military Hospital, Agra in the said pay scale from time to time, notionally. The arrears of the pay in regular scale (ibid) would be admissible to him from 10.07.2011. The order no.511/VTC/Accts/2014 dated 15.03.2014 issued by the respondents terminating the services of the applicant with the view that he is an adhoc employee is quashed. OA and MA stand disposed of."

3. It is her case that though the respondents have implemented the above order, they have not given the benefits of increment and ACP/MACP for the intervening period to the applicant, for which the present O.A. has been filed. It is prayed that this O.A. may be disposed of at this stage, with a direction to the respondents that in case the applicant makes a representation to the respondents in this regard, that may be disposed of in a time bound manner.

4. The O.A. is, therefore, disposed of with a direction to the respondents that in case the applicant makes a representation, the respondents shall take a decision and communicate the same to the applicant by passing a speaking and reasoned order, within a period of 90 days from the date of receipt of such a representation. No order as to costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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