

Central Administrative Tribunal
Principal Bench
New Delhi

C.P.No.238/2015
in
O.A.No.1614/2012

Order Reserved on: 07.01.2016
Order pronounced on 21.01.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri Shekhar Agarwal, Member (A)

S.M.Gupta
S/o Late Sh. B.P.Gupta
Retd. Senior Lab Technician
Safdurjung Hospital, New Delhi
R/o VP-233-A, Maurya Enclave
Pitampura, Delhi – 34. ... Applicant

(By Advocate: Sh. Anil Singal)

Versus

1. Sh. Lov Verma, Secretary
Ministry of Health & Family Welfare
Nirman Bhawan
New Delhi.
2. Sh. Rattan P. Watal, Secretary
Ministry of Finance
Department of Expenditure
North Block
New Delhi.
3. Dr. Jagdish Prasad
Director General of Health Services
Nirwan (Sic. Nirman) Bhawan, New Delhi.

4. Dr. Raj Pal
Medical Superintendent
Safdarjang Hospital
New Delhi.

... Respondents

(By Advocate: Sh. Duli Chand)

ORDER

By V. Ajay Kumar, Member (J):

Heard both sides.

2. This Tribunal vide order dated 21.08.2014 disposed of OA No.1614/2012 as under:

"The learned counsel for the applicant states that vide order dated 23.11.2012, Government of India, M/o Health and Family Welfare had taken up the issue of pay scale of Lab Technician-III, II & I and that this matter is under active consideration of the Government and since the applicant also belongs to the category of Lab Technician, this OA can be disposed off with direction to the respondents to consider the case of the applicant also by the Committee set up by the Government along with other similar cases. Respondents' counsel stated that the government would take suitable action in the case of the applicant in view of the order dated 23.11.2012. Therefore, this matter is disposed of with direction to the respondents to consider the prayer of the applicant as well in view of the decision likely to be taken up by the government in pursuance of the order dated 23.11.2012 within a period of four months. In case the applicant still has any grievance, he would be at liberty to approach the Tribunal again."

3. Alleging non-compliance of the aforesaid orders, the 1st applicant in the OA, out of 12 applicants, alone filed the present CP.

4. The learned counsel for the respondents while drawing our attention to the Annexures enclosed to the compliance affidavit, particularly Annexure C3 dated 22.12.2015, submitted that they have fully complied with the orders of this Tribunal and accordingly granted

benefits to the Applicants Nos.2 to 12, along with others, however, since the 1st applicant, who is the petitioner in the CP, was not entitled as per rules as he retired prior to the implementation of the cadre review.

5. The contention of the petitioner's counsel that in view of the observations made in the Order dated 21.08.2014 in OA No.1614/2012, the respondents cannot deny the benefits to the sole petitioner in the CP, while granting the same to the other applicants in the OA, on the ground that he has already retired on attaining the age of superannuation on 31.12.2010, i.e., before the date of implementation of the cadre review, is unsustainable since while disposing of the OA No.1614/2012 this Tribunal has not adjudicated any lis and that only recorded the fact of issuance of Order dated 23.11.2012, which is a general order. Hence, it is for the respondents to apply the same to each applicant in the OA, as per Rules. In our view, if the applicant is aggrieved with the orders passed by the respondents in pursuance of the directions of this Tribunal, he is at liberty to question the same by filing a fresh OA, in accordance with law.

6. In the circumstances, we do not find any merit in the CP and accordingly the same is closed. Notices are discharged. No costs.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)