

**Central Administrative Tribunal
Principal Bench**

**CP No.253/2015
In
OA No.1651/2012**

New Delhi, this the 22nd day of September, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. V.N. Gaur, Member (A)**

Dr. Rani Gera,
W/o Shri Prem Kumar Gera,
D-II, 330 Pandara Road,
New Delhi.

...applicant
(By Advocate : Shri Pratap Shanker with Shri Swetank Shantanu
and Ms. A. Shivani)

Versus

1. Shri Bhanu Pratap Sharma,
Secretary, CHS-IV Section,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi.

2. Shri S.C.L. Das,
Principal Secretary,
Ministry of Health and Family Welfare,
Govt. of NCT of Delhi,
9th Floor, Delhi Secretariat,
I.P. Estate,
Delhi-110002.

...respondents
(By Advocate : Shri D.S. Mahendru)

ORDER (ORAL)

Mr. Justice Permod Kohli, Chairman :

These contempt proceedings have been initiated for the alleged non compliance of the directions of this Tribunal contained in the order dated 12.04.2013 passed in OA No.1651/2012.

2. Vide the aforesaid judgment, following directions have been issued :-

“10. In view of the above position, this OA is allowed and the impugned order dated 16.01.2012 is quashed and set aside. We, therefore, direct Respondent No.1 to give parity in grant of benefits for counting the Applicants past service for fixing seniority of deputationists who were absorbed in CHS in terms of the order dated 22.04.2009 passed in OA No. 1436/2007 (supra) and other connected matters. We also make it clear that the Applicant will be entitled to all the consequential benefits which have been given to the Applicants in the aforesaid order.”

3. The respondents in their counter reply in paras 2 and 3 have stated that the applicant was given seniority in the Specialist Grade-II (Sr. Scale) w.e.f. 24.06.1994, i.e. the date, she was holding the post in her parent department under the Government of Gujarat. She was promoted to Specialist Grade-I in the pay scale of Rs.14300-18300 (pre-revised) vide order dated 12.11.2008 with effect from the date her immediate juniors were so promoted, i.e. 08.12.2006. It is further stated that by granting benefit of the past service rendered by the applicant in the parent department, she had been given seniority in the Senior Scale-I w.e.f. 29.09.2003.

4. The applicant, in her affidavit dated 08.01.2016, has specifically averred that she was given seniority in her parent department w.e.f. 24.06.1994 in the Specialist Grade-II (Senior Scale), which is the date from which the applicant was holding the

post of Paediatrician in her parent department under the Government of Gujarat. The only direction of the Tribunal was to give parity in grant of benefits for counting applicant's past service for fixing seniority.

5. Admittedly the applicant was holding the post of Paediatrician Grade-II (Senior Scale) w.e.f. 24.06.1994, as stated by her in the affidavit referred to hereinabove. She was brought on deputation to the CHS on 07.09.1995 in the same scale/category. She was absorbed on 14.11.2006 and later allowed promotion as Paediatrician Specialist Grade-I w.e.f. 08.12.2006, when her juniors in CHS were promoted. However, consequent upon the direction of this Tribunal, she has been granted the benefit of seniority w.e.f. 24.06.1994 in Senior Scale Grade-II, and based upon that she has been granted promotion w.e.f. 01.10.2003.

6. In this view of the matter, the direction issued by this Tribunal stands fully complied with. Proceedings dropped.

**(V.N. Gaur)
Member (A)**

**(Justice Permod Kohli)
Chairman**

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