

**Central Administrative Tribunal  
Principal Bench, New Delhi.**

**CP-75/2016 in  
OA-1468/2012**

**New Delhi this the 28<sup>th</sup> day of February, 2017.**

**Hon'ble Mr. Shekhar Agarwal, Member (A)**

**Hon'ble Mr. Raj Vir Sharma, Member (J)**

1. Dr. Anil Kumar Jain  
Aged about 52 years,  
Resident of B-137, Sector-26,  
Noida, Uttar Pradesh  
Presently working as  
Chief Medical Officer (NFSG)  
Department of Tuberculosis & Respiratory Diseases,  
National Institute of Tuberculosis and Respiratory Diseases  
(NITRD),  
Sri Aurobindo Marg,  
New Delhi-110030.
2. Dr. Sanjay Gupta,  
Aged about 49 years,  
Flat no. 3101, Ashoka Enclave,  
Plot No. 8A, Sector 11, Dwarka,  
New Delhi-110075  
Presently working as  
Chief Medical Officer (NFSG)  
Department of Tuberculosis & Respiratory Diseases,  
National Institute of Tuberculosis and Respiratory Diseases  
(NITRD),  
Sri Aurobindo Marg,  
New Delhi-110030.
3. Dr. Vikram Vohra,  
Aged about 49 years,  
Resident of H.No. 100, Sector-29,  
Noida, Uttar Pradesh,  
Presently working as  
Chief Medical Officer (NFSG)  
Department of Tuberculosis & Respiratory Diseases,  
National Institute of Tuberculosis and Respiratory Diseases  
(NITRD), Sri Aurobindo Marg,  
New Delhi-110030.

4. Dr. M.P. Arora,  
Aged about 63 years,  
House No. 221, Sector-10,  
Gurgaon (Haryana)-122001.  
National Institute of Tuberculosis and Respiratory Diseases  
(NITRD),  
Aurobindo Marg, New Delhi.  
Presently working as  
Chief Medical Officer (NFSG)  
Department of Tuberculosis & Respiratory Diseases,  
National Institute of Tuberculosis and Respiratory Diseases  
(NITRD),  
Sri Aurobindo Marg,  
New Delhi-110030.
5. Dr. Rakesh Agarwal,  
Aged about 53 years,  
Resident of C-5,  
National Institute of Tuberculosis and Respiratory  
Diseases (NITRD),  
Presently working as  
Chief Medical Officer (NFSG)  
Department of Tuberculosis & Respiratory Diseases,  
National Institute of Tuberculosis and Respiratory Diseases  
(NITRD),  
Sri Aurobindo Marg,  
New Delhi-110030.
6. Dr. Ravindra Kumar Dewan,  
Aged about 53 years,  
Resident of 128, Aravali Apartment, Alaknanda,  
New Delhi-110019.  
Presently working as  
Specialist Grade I  
Department of Thoracic Surgery,  
National Institute of Tuberculosis and Respiratory Diseases  
(NITRD),  
Sri Aurobindo Marg,  
New Delhi-110030.
7. Dr. Sangeeta Sharma,  
Aged about 52 years,  
Resident of A-1/62, Azad Apartment,  
Sri Aurobindo Marg,  
New Delhi-110016.

Present Working as  
Specialist Grade I  
Department of Pediatrics,  
National Institute of Tuberculosis and Respiratory Diseases  
(NITRD),  
Sri Aurobindo Marg,  
New Delhi-110030.

.... Petitioners

(through Sh. A.K. Behera, Advocate)

Versus

1. Sh. C.K. Mishra,  
Union of India through Secretary,  
Ministry of Health and Family Welfare,  
Nirman Bhawan,  
New Delhi-110011.
2. Sh. J.P. Nadda,  
President, Union Health Minister,  
National Institute of Tuberculosis and Respiratory  
Diseases (NITRD),  
Sri Aurobindo Marg,  
New Delhi-110030.
3. Dr. Rohit Sarin,  
Director,  
National Institute of Tuberculosis and Respiratory  
Diseases (NITRD),  
Sri Aurobindo Marg,  
New Delhi-110030.

.... Respondents

(through Ms. Neha Bhatnagar, Advocate)

### **ORDER (ORAL)**

#### **Mr. Shekhar Agarwal, Member (A)**

This Contempt Petition has been filed for alleged non-compliance of our order dated 23.12.2013, the operative part of which reads as follows:-

“10. In view of the above, we are of the view that the respondents’ action of giving prospective effect to the letter

dated 5.4.2002 in the case of applicants cannot be legally sustained nor can the impugned communication at Annexure-A1 dated 14.12.2011. The same are accordingly quashed and set aside. OA is allowed. The respondents are directed to implement the DACP Scheme with respect to the applicants w.e.f. 5.4.2002 with all consequential benefits. The respondents shall accordingly implement the Scheme and comply with the aforementioned directions not exceeding three months from the date of receipt of a copy of this order."

2. In compliance thereof, the respondents have filed an affidavit on 09.01.2017. Along with the affidavit they have attached Minutes of the Departmental Promotion Committee (DPC) held on 18.11.2016. Learned counsel for the respondents submitted that with the holding of this DPC, the petitioners have been granted the benefits as directed by the Tribunal. Hence, this Contempt Petition may be closed.

3. Learned counsel for the petitioners Sh. A.K. Behera, however, argued that holding the aforesaid DPC does not constitute full compliance of the order inasmuch as while adjudging suitability of the petitioners for grant of NFSG, the norms laid down by O.M. dated 25.06.2015 have been followed instead of the norms laid down by O.M. dated 09.10.1989.

4. We have perused our order in question, non-compliance of which has been alleged. Our directions were to the respondents to implement the DACP Scheme with respect to the applicants w.e.f. 05.04.2002 with all consequential benefits. In our opinion, now that

the DPC has been held and benefits have been granted to those found fit, our order has been substantially complied with. If the petitioners are still aggrieved, they can take recourse to appropriate judicial proceedings.

5. We, therefore, close this Contempt Petition. Notices issued to the alleged contemnors are discharged. The petitioners shall, however, be at liberty to challenge the orders now passed by the respondents in accordance with law, if so advised.

**(Raj Vir Sharma)**  
**Member (J)**

**(Shekhar Agarwal)**  
**Member (A)**

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