CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA No.570/2016
MA No.2621/2016

This the 11th day of January, 2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri V.N. Gaur, Member(A)

Kewal Gupta (Aged 56 years)
Assistant Nursing Superintendent
W/o Shri Pradeep Gupta
R/o H. No. D-1, Type IV
MAMC Campus, Meer Dard Lane
Delhi-110002. … Applicant

(By Advocate:Shri Uday Seth)

Versus

1. Govt. of NCT of Delhi through
Chief Secretary, Delhi Secretariat
I.P. Estate, New Delhi-110002.

2. Secretary (H&FW)
Department of Health and Family Welfare
GNCT of Delhi, 9th Level, A-Wing
Delhi Secretariat
I.P. Estate-110002.

3. Secretary, Finance
GNCT of Delhi, 4th Level, A-Wing
Delhi Secretariat
I.P. Estate-110002.

4. Secretary, Ministry of Personnel
Public Grievance & Pension
Department of Personnel & Training
Government of India.

5. Medical Superintendent
Lok Nayak Hospital
2, Near Delhi Gate, JN Marg
New Delhi, Delhi-110002
6. Medical Superintendent
Guru Nanak Eye Hospital

Maharaja Ranjeet Singh Marg
New Delhi-110002. ..Respondents

(By Advocate: Shri K M Singh)

ORDER (Oral)

Shri V. Ajay Kumar, Member(J):

When this matter was taken up for hearing, it is noticed that the applicant has filed two different copies of the same OA. In one copy, which is put up in file 'A', he has sought the following reliefs:-

> "a. Allow the present O.A;
>
> b. Summon the relevant records pertaining to grant of as well as revocation of the IIIrd Financial up-gradation under MACPS to the Applicant;
>
> c. Modify the order bearing no. F.40/E-III/LNH/3028 dated 19.09.2011 granting IIIrd MACP to the applicant to the effect that grade pay of Rs.6600 should be implemented from 12.02.2011 when the applicant completed thirty years of service;
>
> d. Pay arrears to the Applicant from the date of grant of third MACP i.e. 12.02.2011 to 15.09.2014 at the pay grade of Rs. 6600/-."

In the aforesaid relief at (c) he sought a modification of an order dated 19.09.2011. However, in 'B' part of the OA file, another copy of reliefs have been filed, wherein he sought for quashing of the order dated 05.12.2011. In part 'B' file, the following reliefs are claimed:-

> "a. Allow the present O.A;

> b. Summon the relevant records pertaining to grant of as well as revocation of the IIIrd Financial up-gradation under MACPS to the Applicant;
>
> c. Quash the orders bearing No.F.40/E-III/LNH/4195 dated 05.12.2011 granting IIIrd MACP and order bearing F(54)/GNEC/Estt./2014/A.N.S./Pt.File/1499-1501 dated 24.03.2015 and grant the Applicant benefit of IIIrd MACP at a higher grade pay of Rs.6600 w.e.f. 12.02.2011;
>
> d. Pay arrears to the Applicant from the date of grant of third MACP i.e. 12.02.2011 to 15.09.2014 at the pay grade of Rs. 6600/-."

2. It is seen that there is no order with the date of 19.09.2011 as mentioned in the copy of the OA filed in 'A' part of the court file. Though these discrepancies were brought to the notice of the learned counsel for the applicant when the OA came up for admission initially on 10.02.2016 and though the learned counsel sought time to get instructions from the applicant with regard to amendment in the prayer clause of the OA, the applicant has not taken any proper steps to that effect in accordance with Rules. However, a different Bench, before which this OA was listed on 22.02.2016, issued notice to the respondents.

3. In view of the failure of the applicant to take appropriate steps in accordance with Rules for correcting the discrepancies/amendment of the prayer clause in the

OA, more particularly different prayers claimed in the copies put up in A and B files, the OA is liable to be dismissed. Accordingly, the same is dismissed with cost of Rs.1,000/- payable to the CAT Bar (Library Fund) within four weeks. In view of above, the MA No.264/2016, or any other MAs, pending, are also dismissed. However, this order shall not preclude the applicant from filing a fresh O.A. with proper pleadings, if so advised, in accordance with law.

(V.N. Gaur)
Member(A)

(V. Ajay Kumar)
Member(J)

/vb/