

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**O.A No. 829/2017
M.A No. 877/2017**

New Delhi, this the 19th day of September, 2017

Hon'ble Mrs. Jasmine Ahmed, Member (J)

Sunil Kumar Gupta,
Retired Pharmacist,
S/o Late Shri Bhanu Mal Gupta,
R/o E-21/63-64, Sector-3,
Rohini, Delhi – 110 085.

.... Applicant

(By Advocate : Mr. Sourabh Ahuja)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Sachivalaya, Players Building, New Delhi.
2. Secretary/Principal Secretary,
Health & Family Welfare,
Department of Health & Family Welfare,
GNCT of Delhi,
9th Level, A-Wing, IP Extension,
Delhi Secretariat, Delhi – 110 002.
3. CDMO (North-West District)
Delhi Health Service (GNCT of Delhi)
DGD Building Complex, Sector-13, Rohini, Delhi-110 085.
4. Pay and Accounts Officer,
PAO – VII,
GNCT of Delhi, Peeragarhi, Delhi.
5. Director,
Department of Health Service,
GNCT of Delhi,
F-17, Karkardooma, Delhi.
6. Finance Secretary,
GNCT of Delhi,
4th Level, A-Wing,
IP Estate, New Delhi.

....Respondents

(By Advocate : Mr. Amit Anand)

O R D E R (O R A L)

Hon'ble Mrs. Jasmine Ahmed, Member (J) :

M.A 877/2017 :

The instant M.A is filed for condonation of delay. For the reasons recorded therein, the M.A is allowed.

O.A 829/2017 :

2. Learned counsel for the applicant states that irrespective of the judgments passed by the Hon'ble Apex Court in the cases of **State of U.P. & Ors. v. Arvind Kumar Srivastava & Ors.** (2015) 1 SCC 347 and **State of Punjab and Others etc Vs. Rafiq Masih etc**, (2014 (4) Scale 613), the respondents are not taking any decision on his representation to give the benefit of the judgments passed. In this regard, the counsel for the applicant states that he has made a representation to the respondents dated 22.04.2016 but, till date, the respondents have not taken any decision on his pending representation. Counsel for the applicant states that at this stage, he will be happy and satisfied if a direction is given to the respondents to decide the aforesaid representation of the applicant, taking into consideration the judgments passed by the Hon'ble Apex Court in Rafiq Masih as well as State of U.P. & Ors. Vs. Arvind Kumar Srivastava & Ors., (supra), within a stipulated time frame.

3. At this stage, learned counsel for the applicant has handed over a copy of the judgment passed in O.A 500/2017 decided on 10.02.2017 by the Coordinate Bench of this Tribunal stating that the applicant is similarly situated with the applicant therein and prayed that the respondents be directed to take into account all the three judgments cited above while taking decision on his representation.

4. Accordingly, taking into account the limited prayer of the counsel for the applicant, the applicant is directed to give a fresh representation to the respondents within 15 days from today attaching a copy of all the three judgments referred above to the respondents and the respondents are directed to take into consideration all the three judgments along with the representation of the applicant and decide the same within three months from the date of receipt of a certified copy of this order and if, the respondents find that the facts are not otherwise, they will release the benefits to the applicant.

The O.A stands disposed of. No costs.

(Jasmine Ahmed)
Member (J)

/Mbt/