

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.106/2018.

Date of Decision: 07.02.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Surendra Krishna Godse
 Age:- 55 Yrs, Employed as
 Photographer, Armed Forces
 Medical College, Pune- 40.
 (R/at: 608, Budhwar Peth,
 Shivaji Road, Pune 411002. *Applicant*
(Advocate by Shri S.P. Saxena)

Versus

1. The Union of India, through
 The Secretary, Ministry of Defence,
 DHQ. PO., South Block,
 New Delhi 110011.
2. The Director General of Armed Forces
 Medical Services, Army HQs.,
 New Delhi 110011.
3. The Commandant
 Armed Forces Medical College,
 Pune 411040. *Respondents*

ORDER (Oral)
Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for admission, heard Shri S.P. Saxena, learned Advocate for the Applicant. We have carefully perused the case record.

2. The applicant is presently working as Photographer in Armed Forces Medical

College, Pune. In this OA, he has come up for the following prayers:

“8.a) *To allow the application.*

8.b) *To issue a Writ of Mandamus to respondents to grant the same day scale to the applicant w.e.f. 01.01.2006 on wards which have been granted to the Photographers employed in AIIMS and PGIMER., Medical College,*

8.c) *To grant all consequential benefits,*

8.d) *To pass any other orders which are considered necessary in the facts and circumstances of the case,*

8.e) *To award the cost of application.”*

3. The record shows that this is second stage litigation. In the previous OA No.208/2001 decided on 07.09.2001, filed by the applicant along with one Shri N.N. Lagad and Shri B.C. Patil, who were then working as Photographers in Armed Forces Medical College, Pune against the present respondents claiming the same reliefs, the said OA was disposed of with the following directions;

“..6. *In view of the above position, we are of the considered view that the ends of justice*

would be met if we direct R-1 and R-2 to consider the recommendations made in letter dated 12.12.97 for revision of pay scale of the applicants and take a decision within a reasonable time but not later than six months from the date of receipt of a copy of this order. We do so accordingly. The OA is disposed of as aforesaid. No costs.”

4. It is stated by learned Advocate for the applicant that the said order is not complied with so far and on inquiry being made, it is stated that file is pending with the concerned department. In such circumstances of the case, normally appropriate remedy for the applicant would have been to invoke contempt jurisdiction of this Tribunal by filing a Contempt Petition within a period of one year from the date of passing of the order or on expiry of the said period to file MA for execution of the said order, which he has not done and the present OA is filed. The record shows that on a reference dated 23.04.2016 made by the applicant, he was informed by communication dated 14.06.2016 by Assistant Administration Officer working under Respondent No.3 that a proposal is already forwarded to the

Respondent No.1 by Respondent No.2 for consideration and the clarifications have also been given for framing Recruitment Rules in respect of Photographers of AFMC, Pune. However, nothing has been heard from the other end so far, regarding further development in the matter.

5. In such circumstances of the case, there is nothing to be adjudicated in this OA.

6. In view of this, considering the fact that order dated 07.09.2001 passed in the previous OA 208/2001 still remains un-complied, Respondent No.1 is directed to look into matter and ensure that the order dated 07.09.2001 passed by the This Tribunal in OA No.208/2001 is fully complied with, by passing appropriate order as directed, within a period of eight weeks from the date of receipt of certified copy of this order.

7. The decision so taken shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum, in case his grievance still persists.

8. The OA stands disposed of with the aforesaid directions at the admission stage, without issuing notice to the respondents.

9. Registry is directed to forward certified copy of this order to both the parties at the earliest.

10. *DASTI.*

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.