

(3)

Central Administrative Tribunal, Principal Bench

Original Application No.495 of 2003

New Delhi, this the 21st day of January, 2004

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A. Singh, Member(A)**

1. Dr. Chhote Lal,
S/o late Shri Hari Charan,
Aged about 48 yrs.
R/o R-33, Shiv Vihar,
Phase-II, Karawalnagar,
Delhi
2. Dr. A.K.S. Bhadaria,
S/o Shri R.S. Bhadaria,
Aged about 44 yrs.
R/o 97, Laxmibai Nagar,
New Delhi

....Applicants

(By Advocate: Shri S.S. Tiwari)

Versus

1. Union of India, through
The Secretary,
Dept. of ISM&H,
M/o Health & Family Welfare,
Red Cross Building,
Red Cross Road, New Delhi
2. Joint Secretary (ISM&H),
Dept. of ISM&H
M/o Health & Family Welfare,
Red Cross Building,
Red Cross Road, New Delhi

....Respondents

(By Advocate: Shri Madhav Panikar)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

On an earlier occasion, the applicants had preferred O.A.3194/2002. It was disposed of with the following directions:

"6. What is the position herein? Though the applicants were awarded a higher scale, the same was revised but no show cause notice had been served on them. In this view of the matter, we quash the impugned order for the present and direct that if so advised, the respondents may serve a show cause notice and thereupon, they may pass a fresh order in accordance with law. O.A. is disposed of."

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2. By virtue of the present application, the applicants contend that their claim should be considered for first time bound promotion from the level of Medical Officer in the grade of Rs.8000-13500/- to the level of Senior Medical Officer in the grade of Rs.10000-15200/-. In this regard, the applicants rely upon the fact that the posts held by them had been upgraded and they were placed in the scale of Rs.8000-13500/- vide order of 16.4.99 read with order of 18.5.99.

3. The order of 29.11.2002 which was the subject-matter of controversy in O.A.3194/2002 had since been quashed by this Tribunal.

4. During the course of submissions, it was not disputed that thereafter no fresh order has been passed by the respondents. Learned counsel for the respondents informs us that they have, in fact, issued a show cause notice in pursuance of the directions of this Tribunal.

5. As yet, when no order has been passed in pursuance of the abovesaid directions of this Tribunal, necessary consequence would be that the applicants would continue to be in the scale of Rs.8000-13500/- with consequential benefits unless the said order is withdrawn in accordance with law as we have pointed above. Regarding the other controversies, no opinion is being expressed. With these directions, the O.A. is disposed of.


(S.A. Singh)
Member(A)


(V.S. Aggarwal)
Chairman