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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1149/2003

New Delhi this the 17th day of May, 2004.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

All India G.D.M.O. Association,
61-A, Kali Bari Marg,
New Delhi-110001
through

1. President,
Dr. B.B. Jena,
No.21/69, Lodhi Colony,
New Delhi.
2. Dr. Jai Prakash,
61-1 A Kali Bari Marg,
New Delhi.
3. Dr. Mrs. Usha Sapra,
17/17 Shakti Nagar,
Delhi-110007.
4. Dr. Mrs. Ritu Mathur,
3, Maharja Lal Lane,
Civil Lane,
Delhi-110054.

-Applicants

(By Advocate Shri B.S. Mainee)

-Versus-

The Govt. of N.C.T. of Delhi: Through

1. The Chief Secretary,
Govt. of N.C.T. of Delhi,
Sham Nath Marg,
Delhi-110054.
2. The Secretary,
Ministry of Health and Family Welfare,
Govt. of N.C.T. of Delhi,
Delhi Secretariat,
New Delhi-1100002.

-Respondents

(By Advocate Mrs. Sumedha Sharma)

ORDER (ORAL)


Heard the parties:-

Applicants in this OA have assailed the inaction on the part of the respondents by not adhering to the working hours as done to their counter-parts similarly circumstance. Though by way of resistance learned counsel for respondents raised the ground of limitation, the same

cannot be countenanced as till the working hours are reduced and brought at par with the counter-parts the cause of action is recurring one.

2. As it is not disputed that the other counter-parts working in the dispensaries of ESI and CGHS rendering less working hours in the guise of public interest one cannot be treated as a class and meted out differential treatment which would not be in consonance with the concept of equality enshrined under Articles 14 and 16 of the Constitution of India as there is no intelligible differentia and a reasonable nexus with the object sought to be achieved.

3.. In this view of the matter the OA is disposed of with a direction to the respondents to consider restoring back earlier working schedule of 36 hours per week in respect of applicants as has been done with their counter-parts within a period of two months from the date of receipt of a copy of this order. No costs.


(Shanker Raju)
Member (J)

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