

20

**Central Administrative Tribunal
Principal Bench, New Delhi**

C.P.No.223/2005 in O.A.No.3020/2003

Tuesday, this the 28th day of June 2005

**Hon'ble Shri Justice M.A. Khan, Vice Chairman (J)
Hon'ble Shri S. K. Naik, Member (A)**

Babu Ram
Statistician
Medical Record Unit
Kalawati Saran Children's Hospital
New Delhi

..Applicant

(By Advocate: Shri Sudarshan Rajan)

Versus

1. Dr. P.K. Hota
Secretary
Ministry of Health & Family Welfare
Nirman Bhawan, New Delhi

2. Shri G.K. Sharma
Medical Superintendent
Kalawati Saran Children's Hospital
New Delhi

..Respondents

(By Advocate: Shri A.K. Bhardwaj)

O R D E R (ORAL)

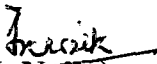
Justice M.A. Khan:

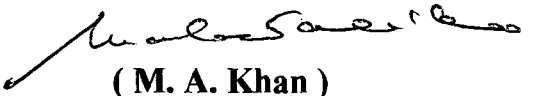
Learned counsel for respondents has submitted that he has filed the status report yesterday vide diary no.4335. Registry shall place it on record. Learned counsel for respondents has produced a copy of the status report. A copy thereof has also been supplied to the learned counsel for applicant. We have perused it.

2. The present application is filed by the applicant complaining that the order of the Tribunal dated 23.7.2004 passed in OA-3020/2003 has not been complied with by the respondents and they are in contempt. He has taken us to certain observations made by the Tribunal, which were to be borne in mind by the respondents while considering the claim of the applicant for the higher scale. We do not want to dwell into this submission in detail lest it causes any prejudice to the parties because we are of the considered view that the proper course for the applicant is to challenge the order passed by the respondents in a substantive petition if he is still aggrieved by the order. The Tribunal's order has been complied with by the respondents, so we do



not consider it proper to proceed in the matter further. Accordingly, the petition is dismissed. Notices are discharged. The applicant is at liberty to seek remedy in an appropriate proceeding, including the substantive petition against the order passed by the respondents.


(S. K. Naik)
Member (A)


(M. A. Khan)
Vice Chairman (J)

/sunil/