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

C.P.No.335/2005 in O.A.No.2672/2003

Friday, this the 18th day of November 2005

**Hon'ble Shri Justice M.A. Khan, Vice Chairman (J)
Hon'ble Shri D.R. Tiwari, Member (A)**

1. Shri Brij Pal, Radiographer, GGS Hospital
Raghubir Nagar, New Delhi-27
S/o Late Shri KL Sharma
R/o RZ-F22 West Sagar Pur, New Delhi
2. Mrs. Savita Mittal w/o Shri Tilak Raj
Radiographer, DDU Hospital, Hari Nagar
New Delhi-64
3. Shri Surinder Singh
Radiographer DDU Hospital, Hari Nagar
New Delhi-64
4. Shri Naresh Kumar
Radiographer, DDU Hospital, Hari Nagar
New Delhi-64
5. Shri Bharat Bhushan
Radiographer, DDU Hospital, Hari Nagar
New Delhi-64
6. Shri Mathew John
Radiographer, DDU Hospital, Hari Nagar
New Delhi-64
7. Shri Amitabh Badola
Radiographer, DDU Hospital, Hari Nagar
New Delhi-64
8. Shri Deepak Pahwa
Radiographer, GGS Govt. Hospital
Raghubir Nagar, New Delhi-27
9. Shri Manoj Kumar
Radiographer, Lal Bahadur Shastri Hospital
Khichri Pur, Delhi
10. Shri Lakham Singh
Radiographer, Dr. NC Joshi Hospital
Karol Bagh, New Delhi-5
11. Shri Vijay Kumar
Radiographer, Dr. Baba Saheb Ambedkar Hospital
Rohini, Delhi-85
12. Raj Masih
Radiographer, DDU Hospital, Hari Nagar
New Delhi-64

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13. Rambir Singh Rose
Radiographer, RTRM Hospital
Jaffar Pur, New Delhi-73

14. Rajbir Singh
Radiographer, RTRM Hospital
Jaffar Pur, New Delhi-73

..Applicants

(By Advocate: Shri Manohar Lal)

Versus

1. Union of India
through Dr. Adarsh Kishore
Secretary, Ministry of Finance (Expenditure)
Central Secretariat, New Delhi

2. Govt. of NCT of Delhi
Through Shri S. Raghunathan
Chief Secretary, Govt. of Delhi
Old Secretariat, Delhi

3. Medical Secretary (H&FQ)
through Shri Satyender Pal Aggarwal
Govt. of Delhi 5, Sham Nath Marg
New Delhi

..Respondents

(By Advocate: Shri Vijay Pandita)

O R D E R (ORAL)

Justice M.A. Khan

Learned counsel heard.

2. Vide order dated 13.4.2004 passed in OA No.2672/2003, respondents were directed to re-examine the entire matter in the light of observations made therein and take a final decision within a period of six months of the receipt of the order. Till then status quo with respect to applicants in the context of the present pay scale be maintained and recovery of the amount from the applicant was stayed.

3. The present Contempt Petition was filed by the applicant complaining that this order has not been complied with by the respondents deliberately and willfully and should be punished for it.

4. Today, learned counsel for respondents has stated that the order has been fully complied with. With regard to the order of the respondents dated 14.11.2005, a Corrigendum has been issued. Order has now been implemented.

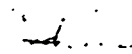
5. Learned counsel of the applicant has drawn our attention to paragraph 6 of the order, which says that the grant of pay scale was allowed provisional subject to the outcome of 'intended' appeal before the Hon'ble High Court of Delhi against the order. Further that the undertaking be obtained from the concerned officers that they will be abide by the orders passed in the appeal.

6. Learned counsel has also submitted that this order is passed almost 17 months after the Tribunal's order.

7. The respondents have not implemented the order of the Tribunal within the time and unconditional apology has been tendered by the respondents.

8. Learned counsel for respondents stated, at the bar, that the respondents will instead state, in the order to be issued, that the grant of pay scale to the applicants is subject to outcome of the proposed appeal and that undertaking from the applicants will not be insisted upon.

9. In the totality of the facts and circumstances of the case, we are of the view that the matter need not be proceeded with further. Accordingly, we dismiss the present Contempt Petition and discharged, the notice.


(D.R. Tiwari)
Member (A)


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

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