

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. No.373/2004 In
O.A. No.2615/2003

6

New Delhi this the 13th day of April, 2005.

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Mrs. Meera Chhibber, Member (J)

1. S. Manju Kalagaonkar
2. Anita Sharma
3. Krishna Rathi
4. Bimla Batra
5. Hemangini
6. Vinita Midha
7. Mahesh Arora
8. C.K. Kapoor

-Applicants

(All Technical Assistants in the Maulana Azad Medical College, M.A.M.C.
Campus, Bahadur Shah Zafar Marg, New Delhi-2)

(By Advocate: Shri Ranjit Sharma)

Versus

1. JVR Prasada Rao
The Secretary,
Ministry of Health and Family Welfare,
Govt. of India, Nirman Bhawan,
New Delhi.
2. Dr. S.P. Aggarwal
Govt. of NCT,
Deptt. Of Health and Family Welfare,
9th Level, A Wing,
Delhi Secretariat, New Delhi-2.

-Respondents

(By Advocate: Shri R.N. Singh, for R-1
Shri Ajesh Luthra, for R-2)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

Learned counsel heard.

2. Learned counsel for applicants pointed out that earlier on applicants had filed OA-1105/2002 which was disposed of vide order dated 29.4.2002 directing the respondents to pass a reasoned and speaking order on the representations of the applicants. Thereafter applicants had filed CP-39/2003 in OA-1105/2002 which was disposed of vide order dated 21.3.2003 (Annexure CP-R/1).
3. Taking into consideration the communication dated 18.2.2003, addressed to the Secretary, Ministry of Health and Family Welfare whereby applicants'

11

matter was recommended to the present respondent No.1, the CP was disposed of.

4. Thereafter applicants filed OA-2615/2003 which was disposed of vide order dated 28.10.2003, directing respondent No.1 to consider the request pertaining to pay scales of the applicants and to take a conscious decision preferably within a period of six months of the receipt of the certified copy of those orders.

5. Learned counsel of the applicants stated that now respondent No.1. i.e., the Secretary, Ministry of Health & Family Welfare, Department of Health, Govt. of India, wrote a letter dated 17.12.2004 to the Government of NCT of Delhi with copies to the applicants, in the OA, giving reasons why the applicants cannot be accorded the higher pay scale in the teeth of Government of India's instructions dated 24.11.2000. Through this letter, Government of India directed the Government of NCT to pass appropriate orders, which have now been passed vide Annexure CP R/2 dated 31.12.2004.

6. Learned counsel of applicants stated that respondents have taken unduly long time in considering the claims of the applicants and as such even though now these orders have been passed, as all relevant material is available in the present proceedings, these proceedings be treated as an original application and decided on merits.

7. The contention of the learned counsel of applicants is not acceptable. The present proceedings cannot be converted into an original application.

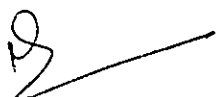
8. Learned counsel for respondent No.1, i.e., Secretary, Government of India stated that there has been a prolonged correspondence between Government of NCT of Delhi and the Government of India on the issue, that the respondents tendered sincere and unconditional apology and have decided the representations of the applicants giving reasons and rejecting their request on the basis of Govt. of India's instructions and as such they have not committed any contumacious disobedience.

9. We have perused orders dated 31.12.2004 passed by Government of NCT of Delhi at the behest of Govt. of India, we are satisfied that the

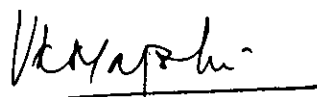


representations of the applicants now stand decided by detailed and speaking orders. If the applicants are still aggrieved, they can resort to appropriate legal proceedings.

10. Accepting unconditional apology on behalf of the Secretary, Govt. of India, these proceedings are dropped and notices to the respondents are discharged.



(Meera Chhibber)
Member (J)



(V.K. Majotra)
Vice Chairman (A)

cc.

18.4.05