



Central Administrative Tribunal
Principal Bench

C.P. No.383/2004
O.A. No. 1149/2003

New Delhi this the 17th day of February, 2005

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri Shanker Raju, Member (J)

All India G.D.M.O. Association,
61-A, Kali Bari Marg,
New Delhi-110 001.

Through

1. President,
Dr. B.B. Jena,
No.21/69, Lodhi Colony,
New Delhi.
2. Dr. Jai Prakash,
61-1A Kali Bari Marg,
New Delhi.
3. Dr. Mrs. Usha Sapra,
17/17, Shakti Nagar,
Delhi-110 007.
4. Dr. Mrs. Ritu Mathur,
3, Maharaja Lal Lane,
Civil Line, Delhi-110 054.

-Applicants

(By Advocate: Shri B.S. Mainee)

Versus

The Government of NCT of Delhi

Through

1. Shri S. Raghu Nathan,
Chief Secretary,
Government of NCT of Delhi.
2. Shri S.P. Aggarwal,
Secretary,
Ministry of Health & Family Welfare,
Govt. of NCT, Delhi Secretariat,
New Delhi.

-Respondents

(By Advocate: Shri Vijay Pandita)

ORDER (Oral)

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

OA-1149/2003 was disposed of vide order dated 17.5.2004 with the
following directions:-

(A)

"3. In this view of the matter the OA is disposed of with a direction to the respondents to consider resorting back earlier working schedule of 36 hours per week in respect of applicant 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".

2. Learned counsel of respondents drew our attention to respondents' order dated 9.2.2005 which has been filed on behalf of the respondents today ^{stating} that respondents have complied with directions of this Court.

3. Learned counsel of applicants pointed out that though respondents have passed orders but these orders have been made "subject to the advice received from Department of Personnel & Training, Govt. of India which have been sought in this regard".

4. Learned counsel of respondents stated that Tribunal's directions were to consider restoring back earlier working schedule of 36 hours per week and in this light respondents have imposed the conditions stated above.

5. Para-2 ^h of our orders reads as follows:-

"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".

6. Our directions read with Paragraph-2 of our orders have no ambiguity that the earlier working schedule of 36 hours per week in respect of applicants has to be restored. As such, respondents are directed to delete the condition imposed by them in order dated 9.2.2005 within a week.

7. With these directions, C.P. is dropped and notices to the respondents are discharged.

S. Raju
(Shanker Raju)
Member (J)

cc.

V.K. Majotra
(V.K. Majotra)
Vice Chairman (A)
17.2.05