

Item-35

11.12.2007

MA-1268/2007
OA-495/2003

(A)

Present: Sh. Arun Bhardwaj, counsel for applicant.

Sh. T.C.Gupta, counsel for respondents.

In the present MA filed on behalf of the applicants in OA, prayer is to execute/ implement directions contained in order dated 21.1.2004 in OA-495/2006. The relevant directions sought to be implemented read thus:

“As yet, when no order has been passed in pursuance of the abovesaid directions of this Tribunal, necessary consequence would be that the applicants would continue to be in the scale of Rs.8000-13500/- with consequential benefits unless the said order is withdrawn in accordance with law as we have pointed above. Regarding the other controversies, no opinion is being expressed. With these directions, the OA is disposed of.”

Pursuant to notice issued by this Tribunal, respondents have entered appearance and by filing the counter reply contested the cause of the applicants. During the course of arguments, it is not in dispute that applicants are indeed getting the pay scale of Rs.8000-13500 even though it is a different matter that action so as to withdraw the applicants placing them in the pay scale aforesaid is under consideration. The prayer in the application is to implement the directions mentioned above in so far as it relates to only consequential benefits. The prayer of the applicants has been contested on variety of grounds but suffice to mention here that the primary defence projected by the respondents for the consequences of the pay scale asked for by the applicants emanate from OM dated

(d) -2-

251.99 annexed with the reply as Annexure R-1 with regard to time bound promotion. It is the case of the respondents that OM aforesaid relates to Physicians of ISM & H vis-à-vis General Duty Medical Officers of CHS whereas the applicants are only Senior Technical Assistants and Research Assistants. The consequences have not been identified in the order sought to be implemented and once there is a dispute with regard to entitlement of the applicants and the consequences asked for by them, the only course left out with the applicants is to file a fresh petition. With the observations made above, MA is dismissed.


(L.K. JOSHI)
Vice Chairman (A)


(V.K. BAH^L)
Chairman

'sd'