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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10023/2005 & W.P.(C) 10045/2005**

FEDERATION OF ALL INDIA ICMR EMPLOYEES Petitioner
Through : Mr. M.C. Dhingra with
Mr. Piyush Kant Roy, Advocates

versus

INDIAN COUNCIL OF MEDICAL RESEARCH & ORS.

..... Respondents
Through : Mr. Vaibhav Kalra, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER
24.04.2017

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1. This order is in continuation of the order dated 15.2.2017, whereby the respondents were directed to file an additional affidavit in view of the plea taken by the counsel for the respondents that the exercise in the present petitions is only academic in nature for the reason that the members of the petitioner/Association are already getting a basic pay of Rs.50,000/-, which is higher than the pay scale of Rs.5500-9000/-, as on 2.9.2005. Apart from the affidavit that the respondents were directed to file, the petitioner/Association was also directed to file a list of members of the Association as on the date of filing of the OA and thereafter, the sample details of Mr. Rohitash Singh, General Secretary of the petitioner/Federation and one more person, was directed to be filed on affidavit. With these

directions, both the petitions were adjourned to 23.7.2017.

2. In compliance, the respondents filed an affidavit of the Assistant Director General of the respondent No.1, on 21.3.2017 stating *inter alia* that Shri Rohitash Singh is getting his salary in the pay scale of Rs.6500-10500/- w.e.f. 1.4.1996, which was subsequently upgraded on 1.4.2001, to Rs.8000-13500/-. A copy of the pay fixation of Shri Rohitash Singh has been enclosed with the affidavit and marked as Annexure RX-1. The second example given in the affidavit is of Shri V.N. Prasad. In para 8 of the affidavit, it has been stated that Shri V.N. Prasad was also granted the pay scale of Rs.6500-10500/- w.e.f. 1.4.1996 which was subsequently upgraded to Rs.8000-13500/-, w.e.f. 1.4.1998. A copy of the pay fixation of Shri V.N. Prasad has been enclosed with the affidavit and marked as Annexure RX-2.

3. It is thus stated by learned counsel for the respondents that the Research and Statistics Assistants, who are eligible to Merit Based Assessment Promotion Scheme (MBAPS), have already been granted the basic pay scale, which is higher than Rs.5500-9000/-, w.e.f. the year 1996.

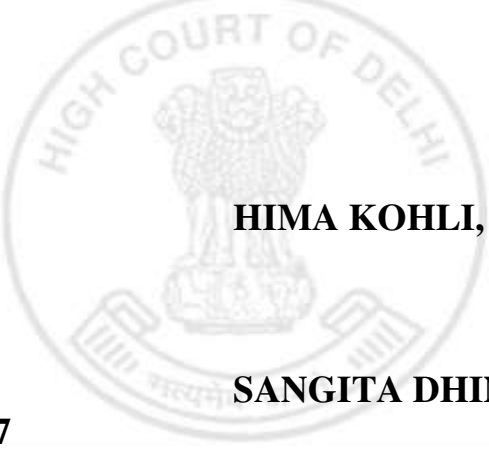
4. When the present petitions were listed on 23.3.2017, learned counsel for the petitioner had sought time to file an affidavit in response, but the same has not been filed till date.

5. Counsel for the petitioner states that it has taken some time for him to prepare the affidavit and he seeks more time to file the same. The said request is declined as learned counsel does not deny the correctness of the averments made by the respondents in the affidavit. He however states that Shri Rohitash Singh has filed a contempt petition against the respondents, registered as CONT.CAS(C) No.869/2015, alleging non-compliance of the orders dated 13.11.2014 and 16.1.2015 passed in WP(C)No.5710/2001,

which is pending consideration before the roster Bench and is next listed on 4.5.2017. He reserves the right of the petitioner in the contempt petition to pursue the said petition filed for non-compliance of the aforesaid orders.

6. As far as the present petitions are concerned, having regard to the averments made by the respondents in paras 7 to 9 of the present petitions, in view of the affidavit filed by the respondent No.1, nothing further survives for adjudication.

7. Accordingly, the present petitions are disposed of, while granting liberty to the petitioner in CONT.CAS(C) No.869/2015 to pursue the contempt petition before the roster Bench.



HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

APRIL 24, 2017

sk/ap