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Central Administrative Tribunal, Principal Bench

Original Application No. 3169 of 2002
M.A. No. 2713/2002

New Delhi, this the 4th day of December, 2002

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member (A)**

1. Delhi Medical Technicians & Employees Association (Regd.) through its General Secretary Shri Tika Ram Sharma, 4/7, Asaf Ali Road, New Delhi-2
2. Shri Mukesh Kumar
Lab. Assistant
L.N.J.P. Hospital,
Delhi

....Applicants

(By Advocate: Shri B. Lall)

Versus

1. The Chief Secretary,
Govt. of N.C.T. of Delhi,
Delhi Govt. Sachivalaya,
I.P. Estate, New Delhi
2. The Secretary (Medical),
Govt. of N.C.T. of Delhi,
Delhi Govt. Sachivalaya,
I.P. Estate, New Delhi
3. Union of India
thro' the Secretary,
Ministry of Healty & Family Welfare,
Nirman Bhawan, New Delhi
4. The Director General of Health Services,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi.
5. The Director of Health Services,
Govt. of N.C.T. of Delhi,
E-17, Karkardooma,
Delhi-54
6. The Medical Supdt.,
L.N.J.P. Hospital,
(Near Delhi Gate),
Delhi

....Respondents

ORDER (ORAL)

By Mr. S.A.T. Rizvi, Member (A)

d M.A. 2713/2002 for joining together in a single

O.A., is allowed.

2. Delhi Medical Technicians and Employees Association (Regd.) through its General Secretary and one Shri Mukesh Kumar, Lab. Assistant have filed the present O.A. on being aggrieved by the respondents' act in not granting the pay scale of Rs.290-500 to the Lab. Assistants working in various hospitals of Delhi w.e.f. 1.11.82, barring a few who have approached the Tribunal from time to time and have been favoured by the Tribunal's directions granting the aforesaid pay scale. Currently the applicants/Lab. Assistants are working in the pre-revised pay scale of Rs.260-430 revised to Rs.3200-4900 w.e.f. 1.1.96. Had the applicants been placed in the aforesaid pay scale of Rs.290-500, they would have been placed in the revised pay scale of Rs.4000-6000 w.e.f. 1.1.96.

3. Learned counsel appearing on behalf of the applicants has drawn our attention to the decision of this Tribunal in O.A.444/86 (Annexure A-1A) dated 6.7.92 in which similarly placed Lab. Assistants' plea was accepted and a direction was issued to the respondents to fix the pay scale of the applicants in that O.A. at Rs.290-500 from 1.11.82 with consequential benefits. Similar orders have been passed by this Tribunal in other cases, the judgements in respect of which have also been placed on record. Following the aforesaid favourable decisions, the applicants in the present O.A. have filed representations starting from 18.3.2002 (Annexure A-7A). There has been no response from the respondents despite reminders. The last

reminder was issued on 22.11.2002.

4. We have considered the submissions made by the learned counsel. We are aware of judgements made by the apex court in similar cases in which it has been laid down that relief granted in a case, should be granted to all other similarly placed persons without making them run upto the court. The respondents should, in our view, have acted fairly and ought to have granted the aforesaid pay scale to all the remaining Lab. Assistants. A grievance, in the circumstances, has clearly come into existence which needs to be redressed.

5. In the aforesated circumstances, we find it just and in order to dispose of the present O.A. with a direction to the respondents to consider the various representations filed by and on behalf of the applicants for granting the pay scale of Rs.290-500 w.e.f. 1.11.82 expeditiously and in any event within a period of three months from the date of receipt of a copy of this order. We direct accordingly.


(S.A.T. Rizvi)
Member (A)


(V.S. Aggarwal)
Chairman

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