



**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

**OA No. 541/2015**

New Delhi, this the 18<sup>th</sup> day of February, 2020

**HON'BLE MRS. JUSTICE VIJAY LAKSHMI, MEMBER (J)  
HON'BLE MR. PRADEEP KUMAR, MEMBER (A)**

1. Rakesh Yadav, age 30 years,  
S/O Sh. Munilal,  
Post at Present: - Plaster Assistant,  
R/O V.P.O. Dehlawas, Gulabpur,  
Distt. & Tehsil-Rewari (HR) Pin-123401.
2. Devwart, age 26 years,  
S/O Sh. Ram Kishan,  
Post at Present: - Plaster Assistant,  
R/O Ward No-7, Gali No-7,  
Adarsh Colony, Palwal,  
District Palwal (State) Haryana.
3. Kamlesh Kumar Dhobi, age 29 years  
S/O Sh. Kalu Ram Chouhan,  
Post at Present: - Plaster Assistant,  
R/O B-10, JJ Colony, Khanpur, New Delhi
4. Hariom Meena, age 26 years  
S/O Sh. Ramesh Chand Meena,  
Post at Present: - Plaster Assistant,  
R/O 7, Ashirwad Villa, Krishna Colony,  
Gaddi Road, Johns Ganj,  
Ajmer (Rajasthan)
5. Pawan Kumar, age 29 years  
S/O Sh. Ram Gopal Bansal  
R/O A-47, Behind New Hospital, Saukat Colony,  
Mohan Nagar, Hindaun City, Karauli, Rajasthan
6. Ram Chander, age 29 years



S/O Sh. Ram Kumar  
R/O T-13, Karampura, New Delhi-15.

7. Bhupendra Kumar, age 29 years  
S/O Sh. Narak Uand  
R/O F-I/606, Sangam Vihar Colony,  
New Delhi-15.

8. Rajiv Sharma, age 28 years  
S/O Lt. J. Lal  
R/O E-10,264, New Anand Puri, Ludhiana  
Presently posted at Badi E.S.I. Hospital, HP

9. Vikas Khatri, age 25 years  
S/O Sh. Rajender Khatri  
R/O Flat No-30, DHAS Aptt. Sec-11  
Rohini Delhi-110085.

(All applicants are working as Plaster Assistant in  
different E.S.I.C. Hospitals under D.G. of E.S.I.C. Delhi)  
... Applicants

(By advocate : Mr R K Sharma)

Versus

1. Director General  
E.S.I.C, Panchdeep Bhawan,  
Kotla Road, New Delhi-110002.
2. The Director  
Directorate (Medical) Delhi  
E.S.I.C.  
E.S.I. Hospital, Sec-9, Gurgaon.
3. The Medical Superintendent.  
Employees State Insurance Corporation,  
E.S.I. Hospital, Manesar, Haryana.
4. The State Medical Commissioner,  
Employees State Insurance Corporation,  
Near – Sec-22, Godown Circle,

Bhawani Singh Road, Jaipur (Rj.) Pin-302001.



5.The Medical Superintendent,  
Employees State Insurance Corporation,  
E.S.I. Hospital, Plot No-1202, RIICO,  
Industrial Area, Sec-29, Phase-3,  
Bhiwadi, Alwar (Raj.).

6.The Medical Superintendent.  
Employees State Insurance Corporation,  
E.S.I. Hospital, Bassi, H.P. ...Respondents.

(By advocate : Ms Deepshikha for Mr Yakesh Anand)

### **ORDER (O R A L)**

#### **Mr Pradeep Kumar, Member (A) :-**

1.0 Mr R K Sharma, learned counsel appeared for the applicant and Ms Deepshikha, proxy counsel appeared for Mr Yakesh Anand, learned counsel for the respondents.

2.0 The applicants are presently working in ESI Corporation and they are being paid salary in the pay scale of PB I + GP 2000/- ( Rs. 5200-20200+ GP Rs. 2000). The applicants are seeking pay scale of PB I + GP Rs. 2400.

3.0 The applicants plead that similar benefit has been allowed in OA No. 3227/2011 decided on 19.12.2013 (Brahmpal & Ors Vs. ESIC). This order has since been implemented also by the respondents vide



office order no. 71/2014E-1(M) dated 21.04.2014. The applicants seek the similar benefit.

4.0 The respondents pleaded that the Tribunal's judgment in OA No. 3227/2011 has since been challenged in the Hon'ble High Court of Delhi where the matter is pending for adjudication. However, there is no stay on Tribunal's directions. As such no such relief may be allowed to applicants.

5.0 The applicants pleaded that they may also be paid higher salary subject to decision of Hon'ble High Court of Delhi as has been done in similar cases.

6.0 Respondents have submitted their counter reply where following specific averment has been made-

*"That the Hon'ble Tribunal vide common order dated 13.11.2014 allowed OA No. 263/2014 (Sh. Rakesh Sainin & Ors. Vs. Union of India) and OA No. 342/2014 (Ms. Kriti Sharma & Ors Vs. Union of India) by directing the Respondent Corporation to grant the Pay Scale of Rs. 5200-20200+ Grade Pay of Rs. 2400 to the said Applicants with respective date of their entitlements provisionally and subject to the outcome of the Writ Petition pending before the High Court after taking a proper undertaking regarding refunds of the payments made in case the judgment in the aforesaid Writ Petition is in favour of Respondent Corporation."*

7.0 Matter has been heard. Admittedly, Tribunal's directions in the case of similarly placed



employees have been complied with subject to consent and undertaking for recovery if decision in writ is against the applicants. There is no reason to deny this parity to applicants who are similarly placed.

8.0 The present OA is disposed off with direction to the respondents to grant the applicants the pay scale of Rs. 5200-20200+GP Rs. 2400/- from the respective date of their entitlement on provisional basis, subject to outcome of the Writ Petition pending before Hon'ble High Court of Delhi after taking a proper consent and undertaking regarding refunds of the excess payment made, in case the judgment in the aforesaid Writ Petition is in favour of the Respondent Corporation. No costs.

**(Pradeep Kumar)**  
**Member (A)**

**(Justice Vijay Lakshmi)**  
**Member (J)**

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