

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH**

**ORIGINAL APPLICATION NO.170/00090/2020**

**DATED THIS THE 24<sup>TH</sup> DAY OF NOVEMBER, 2020**

**CORAM:**

**HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)**

**HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)**

Smt. M.D. Kavitha,  
Aged about 36 years,  
W/o Divya Prasad,  
Radiographer,  
Working in ESIC Model Hospital & PGIMSR,  
Rajajinagar,  
Bengaluru 560 010

....Applicant

(By Advocate Shri Vikram Phadke)

Vs.

1. The Union of India,  
Represented by its Secretary,  
Ministry of Labour,  
Shrama Shakti Bhavan,  
Rafi Marg, New Delhi 110 001

2. Employees State Insurance Corporation,  
Head Quarters Office,  
'Panch Deep Bhavan', CIG Marg,  
New Delhi 110 002 by the Director General

3. The Medical Superintendent,  
ESIC Model Hospital & PGIMSR  
Rajajinagar,  
Bengaluru 560 010

.....Respondents

(By Shri M.V. Rao, Senior Panel Counsel)

**ORDER (ORAL)****PER: SURESH KUMAR MONGA, MEMBER (J)**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein a mandate to the respondents to fix her Grade Pay at Rs. 4200 in the Pay-Band-2 of Rs.9300 – 34800 from the date of her joining the services of ESIC as Radiographer.

2. At the very outset, Shri Phadke, learned counsel representing the applicant, submitted that the issue involved here in the present Original Application is no longer *res integra* and the matter is squarely covered by a judgment dated 16.01.2020 rendered by the Hon'ble High Court of Delhi in Writ Petition (Civil) No. 10645/2016 **Amar Chand and Others Vs. Union of India and Others**.

3. The fact, as stated by Shri Phadke, has not been disputed by Shri M.V. Rao, learned counsel representing the respondents. Shri Rao, however, submits that an SLP has been filed before the Hon'ble Supreme Court laying down a challenge therein to the aforesaid judgment rendered by the Hon'ble High Court of Delhi and the said SLP is yet to be listed for hearing.

4. In view of the above, the present Original Application is disposed of with a direction to respondents to grant the same benefit to applicant herein as has been granted to her counterparts pursuant to judgment rendered by the Hon'ble High Court of Delhi in **Amar Chand** (*supra*). However, the

requisite order shall be issued subject to decision of SLP filed by the respondents before the Hon'ble Supreme Court. The whole exercise shall be undertaken within a period of 2 months from the date of receipt of a certified copy of this order.

5. The OA stands disposed of in the above terms.

6. However, there shall be no orders so as to costs.

**(RAKESH KUMAR GUPTA)**  
**MEMBER (A)**

**(SURESH KUMAR MONGA)**  
**MEMBER (J)**

/ksk/