

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

OA/21/357/2021

HYDERABAD, this the 27<sup>th</sup> day of April, 2021

**Hon'ble Mr. Ashish Kalia, Judl. Member**  
**Hon'ble Mr. B.V. Sudhakar, Admn. Member**



1. Jaggavarapu Ramesh, S/o. Gopala Krishna, (Group.C)  
Aged about 35 years,  
Occ: Operation Theatre Assistant,  
ESIC Medical College Hospital,  
Sanathnagar, Hyderabad ó 500 038,  
R/o. Sanathnagar, Hyderabad, T.S.
2. Velpula Prabhakar Rao, S/o. Late V. Devaiah,  
Aged about 36 years,  
Occ: Operation Theatre Assistant,  
ESIC Medical College Hospital,  
Sanathnagar, Hyderabad ó 500 038,  
R/o. H.No.10-5-819, Sainagar,  
Thukaram Gate, Lalaguda,  
Secunderabad ó 500 017, TS.
3. Mahesh Tallapalli, S/o. Narayana Goud,  
Aged about 34 years,  
Occ: Operation Theatre Assistant,  
ESIC Medical College Hospital,  
Sanathnagar, Hyderabad ó 500 038,  
R/o. C-9-26, Near Gayatrinagar Park,  
Gayatrinagar, Vil. Dammaiguda,  
Mandal Keesara, District Medchal,  
Hyderbaad ó 500 083, T.S.
4. Altaf Bhasha A.H., S/o. A.H. Bhasha,  
Aged about 34 years,  
Occ: Operation Theatre Assistant,  
ESIC Medical College Hospital,  
Sanathnagar, Hyderabad ó 500 038,  
R/o. Sanathnagar, Hyderabad, T.S.

...Applicants

(By Advocate : Sri K. Ram Murthy)

Vs.

1. Union of India rep. by its  
Secretary, Ministry of Labour and Employment,

Shram Shakthi Bhavan,  
Rajiv Marg, New Delhi.

2. The Director General,  
Employees State Insurance Corporation,  
Head Quarters, Panch Deep Bhavan,  
CIG Marg, New Delhi.



3. The Medical Commissioner,  
Ned, IV, Branch Head Quarters Office,  
ESI Corporation, Panch Deep Bhavan,  
CIG Road, New Delhi ó 110 002.

4. The Regional Director,  
ESI Corporation, Adarsh Nagar,  
Hyderabad ó 500 063.

5. The Dean,  
ESIC Medical College Hospital,  
Sanathnagar, Hydera bad ó 500 038, T.S.

... Respondents

(By Advocate: Sri N. Srinivasa Rao, SC for ESIC)

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**ORAL ORDER**  
**(As per Hon'ble Mr. B.V. Sudhakar, Admn. Member)**

Through Video Conferencing:



2. The O.A. is filed against the inaction of the respondents in not granting the Grade Pay of Rs.2400/- to the applicants on par with identically placed employees in the respondents organization.

3. The brief facts of the case are that the applicants joined the respondents organization as O.T. Assistants during the years 2009 to 2017. The applicants submitted representation on 01.12.2020 to the 5<sup>th</sup> respondent, seeking relief based on the order dated 22.11.2017 passed by the Principal Bench of this Tribunal in Contempt Petition No.208/2013 in O.A. No.3185/2016, subject to the outcome of the Writ Petition pending before the Honøble High Court of Delhi. The order of the Tribunal was implemented by the respondents vide order No.470/2017 dated 8.12.2017 to 59 employees in the respondents organization subject to outcome of the Writ Petition pending before the Honøble High Court of Delhi. The applicants have sought to extend the benefit of the said order to them and since it was not extended, the present O.A. has been filed.

4. The contentions of the applicant are that they are similarly placed to that of the petitioners in CP No.208/2013 in OA No.3185/2016 to be granted the Grade Pay of Rs.2400/- and that the benefits were disbursed to the petitioners in the respondents

organization as per the order cited. The said order of the Tribunal having been implemented, there should not be any hitch to grant the same relief to the applicants, subject to the outcome of the Writ Petition pending before the Honøble High Court of Delhi, challenging the order referred to.



5. Heard Sri K. Ram Murthy, learned counsel for the applicants and Sri N. Srinivasa Rao, learned Standing Counsel for the respondents and perused the pleadings on record.

6. I. The dispute is about not granting the Grade Pay of Rs.2400/- to the applicants based on the order passed by the Principal Bench of this Tribunal in C.P. No.208/2013 in O.A. No.3185/2016.

II. After going through the facts, it is observed that the applicants are claiming that the respondents have implemented the order passed by the Honøble Principal Bench of this Tribunal vide their letter dated 8.12.2017. Based on the claim that the respondents have implemented the order of the Honøble Principal Bench, we are of the view that if the applicants are similarly situated to that of the petitioners in C.P. No.208/2013 in O.A. No.3185/2016 as claimed, the same relief need to be extended to them. Hence, we direct the respondents to examine and grant the relief as sought by the applicants in the light of the judgment of the Honøble Principal Bench in C.P. No.208/2013 in O.A. No.3185/2016 in the case of Sri Aravind & Others vs Sri Deepak Kumar, subject to the outcome of the Writ Petition pending before the Honøble High Court of Delhi,

challenging the order of the Honøble Principal Bench of the Tribunal.

The time granted to implement the order is three months from the date of receipt of this order.

III. With the above direction, the O.A. is disposed of.

There shall be no order as to costs.



**(B.V. SUDHAKAR)**  
**ADMINISTRATIVE MEMBER**

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

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