

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO.291/00091/2014

With MA No.291/00399/2015

Date of Order: 27.11.2015

CORAM

**Hon'ble Mr. Justice Harun-Ul-Rashid, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member**

1. Anjarul Hasan S/o Shri Mojdar Miya, aged about 28 years, working as Lab Assistant at ESIC Hospital, Ajmer Road, Jaipur and resident of 30-A, Karni Colony, Shanti Nagar, Jaipur.
2. Vikas Kumar Singh s/o Shri Vinod Singh, aged about 29 years, working as Lab Assistant at ESIC Hospital, Ajmer Road, Jaipur and resident of SD-77, Shanti Nagar, Sodala, Jaipur.
3. Firdaush Jamil S/o Shri Jamil Ahmed, aged about 31 years, working as Lab Assistant at ESIC Hospital, Ajmer Road, Jaipur and resident of P.No.26, Ramrajpura, Rakdi, Sodala, Jaipur.
4. Punil Kumar S/o Shri Ram Naresh Singh, aged about 28 years, working as Lab Assistant at ESIC Hospital, Ajmer Road, Jaipur and resident of SD-77, Shanti Nagar, Sodala, Jaipur.
5. Subhash Chand Baroliya s/o Shri Bhagwan Sahay, aged about 28 years, working as Lab Assistant at ESIC Hospital, Ajmer Road, Jaipur and resident of 29, Ram Nagar Colony, Mansinghpura Tonk Road, Jaipur.
6. Anita Meena w/o Shri Rajesh Kumar Meena, aged about 26 years, working as Lab Assistant at ESIC Model Hospital, Ajmer Road, Jaipur and resident of Plot No.8, Shatendra Colony, Sodala, Jaipur.

.....Applicants

(By Advocate Mr. Govind Sharma)

VERSUS

1. Union of India, through its Secretary, Ministry of Labour, Shram Shakti Bhawan, New Delhi-110001.
2. Director General, ESI Head Quarter Phanchdeep Bhawan, CIG Road, New Delhi-110001.
3. Secretary, Department of Expenditure, Ministry of Finance, North Block, New Delhi-110001.
4. Secretary, Department of Personnel & Training, North Block, New Delhi-110001.

5. Medical Superintendent, ESIC Model Hospital, Laxmi Nagar, Ajmer Road, Jaipur (Raj.)-302006.

.....Respondents

(By Advocate Mr. T.P.Sharma)

ORDER

The OA has been filed seeking to quash and set aside Annexure A/1 order dated 23.7.2013 and for direction to respondents to fix the 6th pay scale to the applicants on the basis of pay scale Rs.4000-6000 and for further direction to grant the revised sixth pay scale PB-I Rs.5200-20200 plus Rs.2400 Grade Pay along with all consequential benefits.

2. On behalf of the applicants it is submitted that their pay has been fixed wrongly in Pay Band Rs.5200-20200 plus Grade Pay Rs.2000 on the basis of previous pay scale of Rs.3200-4900 whereas the similarly situated Lab Assistants pay scale was revised from Rs.3200-4900 to Rs.4000-6000 but their pay has been fixed on the basis of pay scale Rs.4000-6000 in grade pay Rs.2400 which comes in pay band of Rs.5200-20200 plus Rs.2400. Counsel submits that applicants are getting less salary and other emoluments by not fixing their salary at par to similarly situated Lab Assistants working on the same level.

3. When the matter was taken for consideration today, the Ld. Counsel for applicants placed reliance on the judgment of the CAT Principal Bench vide dated 13.11.2014 in OA No. 263/2014 and similar orders passed by the other Benches of the Central Administrative Tribunal. In the judgment dated 13.11.2014 in OA No.263/2014 and other connected OA, similar issue has been addressed and disposed of. CAT Principal Bench relying on the order in OA No.3592/2012 held that the Tribunal has approved the revision of the order. The said order

was challenged before the Hon'ble High Court of Delhi. However, the applicants therein have been granted the pay scale of Rs.5200-20200 with Grade Pay of Rs.2400 w.e.f. from the date of their joining in the year 2008 in ESIC provisionally subject to the final outcome of the pending writ petition in the Hon'ble High Court Delhi.

4. Principal Bench disposed of the OA No.263/2014 and OA No.342/2014 with direction to respondents to grant the pay scale of Rs.5200-20200 with Grade Pay Rs.2400 with effect from the date of their joining in the year 2008 in the ESIC provisionally subject to the final outcome of the pending Writ Petition before the High Court. Similar orders have been passed on the basis of Principal Bench (supra) by the Calcutta Bench in order dated 17.12.2014 in OA No.791/2014 and by the Ahmedabad Bench in OA No.36/2013 vide order dated 23.6.2015 and by the Principal Bench vide its order dated 10.1.2014 in OA No.3592/2012.

5. Ld. Counsel for respondents Mr. T.P.Sharma pointed out that the applicants were promoted in 2009 and the representation submitted by them has already been decided.

6. In the light of orders referred above, we are inclined to dispose of the present OA on the similar lines. Accordingly, the OA is allowed.

7. Accordingly, the OA is disposed of with the directions to the respondents to fix the pay of applicants as per the recommendation of 6th CPC in pay band Rs.5200-20200 with Grade Rs.2400 (Pre-revised scale Rs.4000-6000) with respective date of their entitlement provisionally and subject to the outcome of Writ petition pending before the Hon'ble High Court, Delhi after taking proper undertaking regarding refunds of payments made in the judgment in the aforesaid writ petition is in favour of the ESIC. This direction shall be complied

with within a period of 3 months from the date of receipt of order. The applicants shall furnish the copy of this order to respondents No.5 & 6 within a period of 2 weeks from today.

8. With these directions the OA is disposed of with no order as to costs.



(MS.MEENAKSHI HOOJA)
MEMBER(A)



(JUSTICE HARUN-UL-RASHID)
MEMBER(J)

Adm/