

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00645/2015

Date of Order: 06.12.2016

CORAM

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Meenakshi Hooja, Administrative Member**

1. Teekaram Meena Son of Shri Ghamandi Ram Meena, Resident of Village Jinshi Ka Pura, Post and Tehsil Todabhim, District Karauli, Rajasthan.
2. Ravishastri Sharma Son of Shri Shambhu Dayal Sharma, resident of Joshipada, Todabhim, District, Karauli, Rajasthan.
3. Hari Singh Saini son of Shri Ram Lal Saini, resident of Village 23-NTR, Tehsil Nohar, District Hanumangarh, Rajasthan.
4. Umesh Kumar Bairwa son of Shri Meghram Bairwa, resident of 102, Roop Nagar-II, Mahesh Nagar, Jaipur.
5. Deepti Mishra D/o late Shri Ashutosh Mishra, Resident of plot No.14, Jaitpuri Colony, Mahesh Nagar, Jaipur, Rajasthan.
6. Manoj Kumar Meena son of late Shri Bhagirath Mal Meena, resident of Village and Post Shyampura, Via Achrol, Tehsil Amer, District Jaipur, Rajasthan.
7. Yogesh Kumar son of Shri Sarjeet Singh, resident of Village Maugha ka Majra, Post Bansi, Tehsil Kotkasim, Alwar, Rajasthan and at present residing at Plot No.4, Uniara Garden, Petrol Pump Wali Gali, Trimurti Circle, Jaipur, Rajasthan.

(All applicants are holding post of Junior Radiographer who are presently posted at ESIC, Laxmi Nagar, Ajmer Road, Jaipur.)

.....Applicants

(By Advocate Mr. Tanveer Ahmed)

VERSUS

1. The Union of India through its Director General, Employees' State Insurance Corporation, Panchdeep Bhawan, C.I.G. Road, New Delhi-110002.
2. The Regional Director, Employees' State Insurance Corporation, Panchdeep Bhawan, Bais Godown, Jaipur.

3. The Medical Superintendent, ESIC Model Hospital, Laxmi Nagar, Ajmer Road, Jaipur.

.....Respondents

(By Advocate Mr. B.K.Pareek Proxy of
Mr. T.P.Sharma)

ORDER (ORAL)

Applicants are holding the post of Junior Radiographer and presently posted at Employees' State Insurance Corporation, Laxmi Nagar, Ajmer Road, Jaipur. They are claiming the pay scale of Rs.4000-6000 (pre-revised) and in revised Pay Band Rs.5200-20200 with Grade Pay Rs.2400. The claim of the applicants has been rejected vide impugned order dated 10.08.2015 (Ann.A/1). The only ground for rejection is that the benefit given vide Hon'ble CAT, New Delhi judgment dated 19.02.2009 and some other judgments referred to in the impugned order are not applicable on them. It is further stated that if the similar judgment is passed in favour of the applicants, he may produce the same for claiming the benefits.

2. The controversy is covered squarely by various judgments of the Tribunal in Jaipur Bench passed in OA No.291/00687/2016 and 291/00091/2014. It is also not disputed that the claim of the applicants are also covered by the judgment of the CAT, New Delhi order dated 19.04.2016. This Tribunal in the aforementioned judgments particularly passed in OA No.291/00091/2014 and OA No.291/00687/2016 have settled the issue. Directions in OA No.291/00091/2014 decided on 27.11.2015 are as under.

"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 Pay 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 refund 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 and 6 within a period of 2 weeks from today."

These directions are applicable in the case of applicants also. In view of this the OA is allowed.

3. Respondents are directed to grant the relief to the applicants in terms of directions given in the judgment quoted hereinabove passed in OA No.291/00091/2014 within a period of three months from the date of receipt of the copy of this order. No order as to costs.


(Ms. Meenakshi Hooja)
Administrative Member


(Justice Permod Kohli)
Chairman

Adm/