

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 291/00593/2016

DATE OF ORDER: 26.07.2016

CORAM

**HON'BLE MR. SANJEEV KUMAR KAUSHIK, JUDICIAL MEMBER
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER**

Manish Kumar Jain S/o Shri Mahendra Kumar Jain, R/o Village Lasadiya, Tehsil Shahpura, District Bhilwara – 311404, at present working on the post of Lab Assistant, ESIC (Medical cum Diagnosis Centre), Chanderia District Chittorgarh, Rajasthan, age 26 years.

....Applicant

Mr. Govind Sharma, counsel for applicant.

VERSUS

1. Union of India through Director General, ESIC Head Quarter Panchdeep Bhawan, CIG Road, New Delhi – 110001.
2. Dy. Director (Administration), ESIC Model Hospital, Laxmi Nagar, Ajmer Road, Jaipur (Raj.) 302006.
3. Medical Superintendent, ESIC Model Hospital, Laxmi Nagar, Ajmer Road, Jaipur (Raj.) - 302006.
4. Office-in-Charge, ESIC Hospital, RIICO Industrial Area, Phase-III, Plot No. 1202, Sector-29, Bhiwadi District Alwar (Raj.).

....Respondents

Mr. T.P. Sharma, counsel for respondents.

ORDER

(Per MR. SANJEEV KUMAR KAUSHIK, JUDICIAL MEMBER)

The present Original Application has been filed by the applicants seeking the following relief:

"(i). The impugned order dated 11.2.2016 by which the representation of the applicant has been rejected by the respondents may kindly be quashed and set aside.

(ii) The respondents may kindly be directed to fix the pay of the applicant as per the recommendation of the 6th Central Pay Commission in pay Band Rs. 5200-20200 with Grade Rs. 2400 (pre-revised scale Rs. 4000-6000) from the date of his initial appointment with all consequential benefits in light of the judgment passed by the Hon'ble Tribunal Principal Seat New Delhi as well as this Hon'ble Tribunal.

(iii) Any other directions and orders which is deems proper in the facts and circumstances of the case may kindly be allowed to the applicant."

2. Heard learned counsel for applicant. He submitted that vide impugned order dated 11th February, 2016, the respondents have stated that since no order has been passed in favour of the applicant by the Jaipur Bench of the Tribunal, therefore, benefits cannot be granted to him. However the respondents have referred this matter to a committee but till date no decision has been taken thereupon. The applicant served legal notice upon the respondents on 16.05.2016 but to no avail. He further submitted that this issue has already been settled by the various Benches of this Tribunal. Copies of the judgments are annexed as Annexure A/2 coolly. Despite judicial pronouncements by the

courts of law, the same benefits have not been extended to the applicant herein till date which is discriminatory and violative of articles 14 and 16 of the Constitution of India. However, the learned counsel for the applicant made a statement at the bar that the applicant will be satisfied if a direction is issued to the respondents to consider his case in the light of the judicial pronouncement made in the identical matters.

3. In view of the above, there is no need to issue formal notice to the respondents. However, on our asking Shri T.P. Sharma, Advocate, appears on behalf of the respondents and submitted that he does not oppose the disposal of the O.A. in the above terms. However, he submitted that authorities may be granted sufficient time of at least four months' to consider and decide the case of the applicant.

4. Considering the above submissions and ad idem between both sides and without entering into the merits of the case, we dispose of this Original Application at this stage by directing the competent authority amongst the respondents to consider and decide the legal notice dated 16.05.2016 of the applicant by passing a speaking and reasoned order in the light of the ratio laid down by this Bench of the Tribunal in OA No. 291/00091/2014. Let this exercise be carried out by the respondents within a period of four months from the date of receipt of a copy of this order. If the respondents come to the conclusion that the applicant is entitled for the benefits in the light of the ratio laid down by this Bench of the Tribunal then the

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relevant benefits be extended to the applicant within a period of two months thereafter.

5. Needless to say that we have not expressed any opinion on the merits of the case.

6. No order as to costs.


(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER


(SANJEEV KUMAR KAUSHIK)
JUDICIAL MEMBER

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