

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 1316/2016

With

O.A. No. 1318/2016

O.A. No. 1321/2016

O.A. No. 1330/2016

New Delhi, this the 8th day of April, 2016.

**HON'BLE MR. JUSTICE PERMOD KOHLI, CHAIRMAN
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

O.A. No. 1316/2016

Smt. Usha Juneja,
Age 61 years,
Assistant Nursing Sister,
W/o Shri K.K. Juneja,
R/o F-21, Preet Vihar,
Third Floor, Delhi

.. Applicant

(By Advocate : Shri N.L. Singh)

Versus

1. East Delhi Municipal Corporation
Through its Commissioner.
2. The Additional Commissioner (Health),
East Delhi Municipal Corporation.
3. The Director (Hospital Admn.),
East Delhi Municipal Corporation.

All (1) to (3) at Civic Centre,
Minto Road, New Delhi.

4. Medical Superintendent,
Dr. SPM Chest Hospital,
East Delhi Municipal Corporation.
Patpar Ganj, Delhi-110 091

.. Respondents

O.A. No. 1318/2016

Smt. Saroj Kumar, Age 60 years,
Assistant Nursing Sister,
W/o Shri Jayant Kumar
R/o House No.18,
Para Medical Flats,
Hindu Rao Hospital
Delhi.

.. Applicant

(By Advocate : Shri N.L. Singh)

Versus

1. North Delhi Municipal Corporation
Through its Commissioner.
2. The Additional Commissioner (Health),
North Delhi Municipal Corporation.
3. The Director (Hospital Admn.),
North Delhi Municipal Corporation.

All (1) to (3) at Civic Centre,
Minto Road, New Delhi.

4. Medical Superintendent,
Hindu Rao Hospital,
North Delhi Municipal Corporation.
Malka Ganj, Delhi-110 007

.. Respondents

(By Advocate: Shri Manjeet Singh Reen)

O.A. No. 1321/2016

Smt. Rosie Chaudhary
Age 62 years,
Nursing Sister,
W/o Shri Ram Kishan,
R/o Flat No.1, Samrat Apartments,
B-11, Vasundhara Enclave,
Delhi-110096.

.. Applicant

(By Advocate : Shri N.L. Singh)

Versus

1. North Delhi Municipal Corporation
Through its Commissioner.
2. The Additional Commissioner (Health),
North Delhi Municipal Corporation.
3. The Director (Hospital Admn.),
North Delhi Municipal Corporation.

All (1) to (3) at Civic Centre,
Minto Road, New Delhi.

4. Medical Superintendent,
Kasturba Hospital,
North Delhi Municipal Corporation.
Darya Ganj, Delhi-110 002.

.. Respondents

(By Advocate: Shri Manjeet Singh Reen)

O.A. No. 1330/2016

Smt. Saroj Wadhwan,
Age 58 years,
Nursing Assistant,
W/o Shri Naresh Kumar,
R/o C-133, Saraswati Kunj,
25, I.P. Extension,
Patparganj, Delhi-110092.

.. Applicant

(By Advocate : Shri N.L. Singh)

Versus

1. North Delhi Municipal Corporation
Through its Commissioner.
2. The Additional Commissioner (Health),
North Delhi Municipal Corporation.
3. The Director (Hospital Admn.),
North Delhi Municipal Corporation.

All (1) to (3) at Civic Centre,
Minto Road, New Delhi.

4. Medical Superintendent,
Kasturba Hospital,
North Delhi Municipal Corporation.
Darya Ganj, Delhi-110 002.

.. Respondents

(By Advocate: Shri Manjeet Singh Reen)

ORDER (ORAL)

By Mr. Justice Permod Kohli

Notice.

2. Shri Manjeet Singh Reen accepts notice on behalf of the respondents in all the O.As. except O.A. No.1316/2016.

3. Applicants in these O.As. have common grievance. All of them were recruited as Staff Nurses and thereafter promoted as Nursing Sisters/Assistant Nursing Sisters on the various dates as indicated in each O.A. They were granted 1st ACP and 2nd ACP in accordance with the recommendations of 5th and 6th Central Pay Commissions respectively. The applicants are claiming 3rd financial upgradation under MACP Scheme.

4. Earlier also, similarly situated persons approached this Tribunal in O.A. No.141/2012. This Tribunal granted the relief prayed for vide judgment dated 09.05.2012. The order of the Tribunal was confirmed in WP(C) No.5146/2012 by the Hon'ble Delhi High Court vide order dated 24.08.2012. The applicants are seeking same relief.

5. All the applicants have served separate legal notices dated 20.03.2015 (copies whereof placed on record as Annexure A-2 with the respective OAs). The legal notices have not been responded by the respondents.

6. Without going into the merits of the controversy at this stage, we dispose of all the O.As. with a direction to the respondents to consider the claims of the applicants in the light of averments made in the legal notices and taking into consideration the earlier judgment of this Tribunal in O.A. No. 141/2012 as confirmed in WP(C) No.5146/2012. Let the decision be taken within a period of three months and if the claims of the applicants are found sustainable, the consequential benefits will be granted within three months thereafter. In the event, the claim of the applicants is to be rejected, it shall be by a reasoned and speaking order. Needless to say that the applicants shall have liberty for redressal, if aggrieved. No order as to costs.

(NITA CHOWDHURY)
Member (A)

(PERMOD KOHLI)
Chairman

/Jyoti/