

**Central Administrative Tribunal  
Principal Bench**

**O.A. No.853/2015**

New Delhi this the 01<sup>st</sup> day of December, 2016

**Hon'ble Sh. Raj Vir Sharma, Member (J)**  
**Hon'ble Sh. K.N. Shrivastava, Member (A)**

1. Shri Puneet  
Shri Subhash Chander  
R/o C-2/284, Yamuna Vihar, Delhi
2. Shri Sunny Singh  
S/o Shri Mani Ram  
R/o F-I/174, DDA Flats,  
Sultanpuri, Delhi. .... Applicant

**(By Advocate: Mr. Naveen Gulia)**

**Versus**

1. Union of India  
Through its Secretary  
Ministry of Labour & Employment  
Sharm Shakti Bhawan, Rafi Marg,  
New Delhi.
2. Director General  
E.S.I (Head Quarter)  
Panchdeep Bhawan  
C.I.G. Marg, New Delhi-110002
3. Medical Superintendent  
E.S.I. Hospital, Jhilmil, Delhi.
4. Medical Superintendent  
E.S.I. Hospital, Rohini, Delhi
5. Director (Medical) Delhi  
ESI Dispensary Complex, Tilak Vihar  
New Delhi-110018. .... Respondents

**(By Advocate: Mr. A K Verma)**

**ORDER (ORAL)**

**Mr. K.N. Shrivastava, Member (A)**

The applicants were appointed as Lab Assistant in the Respondent-E.S.I. Hospital. Applicant No. 1 joined the services on 15.10.2008 and the Applicant No.2 on 06.05.2011. The prescribed pay scale of Lab Assistant, as per the 5<sup>th</sup> CPC, was Rs. 3200-4900/-. Some Lab Assistants went to the

Court and the Court was pleased to direct the respondents to grant them the pay scale of Rs. 4000-6000/- and accordingly the respondents granted the said pay scale to only those persons. The said pay scale has since been revised to Rs. 5200-20200 + Grade Pay of Rs. 2400/- as per the recommendations of 6<sup>th</sup> C.P.C.

2. The applicants in this OA have prayed for the grant of the Pay scale of Rs. 4000-6000 (5<sup>th</sup> CPC) [Revised to Rs. 5200-20,200+GP Rs. 2400-6<sup>th</sup> CPC] on the plea that some of the Lab Assistants in the past had been given the same.

3. We find that the pay scale of Lab Assistants as per the 5<sup>th</sup> CPC was indeed Rs.3200-4900 and the replacement pay scale for the same post, as per the 6<sup>th</sup> CPC, is Rs. 5200-20200 with Grade Pay of Rs. 2000/-. As such, we do not have any doubt in mind that only this pay scale is applicable to the Lab Assistants. The applicants in the present OA had sufficient opportunity to present their case before the 6<sup>th</sup> & 7<sup>th</sup> CPCs for the redressal of their grievance but they have failed to do so. As such, the request of the applicants cannot be considered.

4. In view of above discussions, the OA is dismissed being found devoid of merit. No costs.

**(K.N. Shrivastava)**  
**Member (A)**

**(Raj Vir Sharma)**  
**Member (J)**

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