

**Central Administrative Tribunal
Principal Bench**

O.A. No.853/2015

New Delhi this the 01st 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 5th 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 6th C.P.C.

2. The applicants in this OA have prayed for the grant of the Pay scale of Rs. 4000-6000 (5th CPC) [Revised to Rs. 5200-20,200+GP Rs. 2400-6th 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 5th CPC was indeed Rs.3200-4900 and the replacement pay scale for the same post, as per the 6th 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 6th & 7th 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)

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(Raj Vir Sharma)
Member (J)

