

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA No.889/2013

New Delhi, this the 13th day of February, 2017

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. P.K.Basu, Member (A)

1. Ajeet Singh S/o Sh. Raghubir Singh
R/o H.No. 437, Vill. Pochanpur
Sector-23, Dwarka, New Delhi-77
2. Pankaj Kumar S/o Sh. U.P. Yadav,
R/o Q.No.673, Type-II, Sec-4
Timarpur, Delhi-54
3. Dalip Kumar S/o Late Sh. Pyare Lal,
R/o RZ-106/B, Gali No.4, Sagarpur East,
New Delhi-46.
4. Ajay Goyal S/o Late Sh. R.R. Goel,
R/o 2097/164, Tri Nagar, Delhi.
5. Sukhender Pal Rathee
S/o Sh. Mange Ram Rathee,
R/o Gali No.5, Shakti Nagar, Jhajjar Road,
Bahadurgar, Distt. Jhajjar (Haryana)
6. Mahinder Singh S/o Sh. Moti Singh,
R/o D-735, Pratap Vihar-II,
Kirari, Delhi-110086
7. Jayanta Kumar Sahu
S/o Sh. Gagan Chandra Sahu,
R/o Q.No. 300, R.K. Puram, Sec.2,
New Delhi-110022.
8. Prem Chand S/o Sh. Ram Prasad Dhyani,
R/o C-319, Albert Square,
Gole Market, New Delhi-01
9. Raman Kumar S/o Late Sh. Chandi Prasad Sah,
R/o F-2, Jawahar Market, Mall Road,
Timarpur, Delhi.
10. A.S. Karki S/o Late Sh. D.S. Karki,
R/o F-35, Moti Bagh-I
New Delhi-21
11. Sanjay Kumar Mishra
S/o Sh. Kaushal Kishor Mishra

R/o E3/38, Chankya Place P+I,
C-I, Janakpuri

12. Sanjiv Kumar Jha S/o Sh. Shiva Kant Jha,
R/o 256, Type-II, Sector-4, Timarpur,
Delhi-110054
13. Argha Biswas S/o Sh. Subodh Ch. Biswas,
R/o J-59, Laxmi Nagar, Delhi-92.
14. Shanmuga Premsha S/o Sh. Madhava Raj,
R/o 722, R.K. Puram, Sec.2, New Delhi.
15. K.B. Awasthi S/o Late Sh. J.P. Awasthi,
R/o 130, Type-III, Sec.II, Saliq Nagar,
New Delhi.
16. Suresh Kumar S/o Late Sh. Dile Singh
R/o H.No.802, Sec.18, Faridabad.
17. Madan Prasad S/o Late Sh. Shiv Balak Prasad,
R/o C-152, Minto Road, New Delhi.
18. Pradeep Kumar S/o Late Sh. Amrit Lal
R/o 22/959, B.K.S. Marg, New Delhi.
19. Nirmala Rawat S/o Late Sh. Chandan Singh Chauhan,
R/o RZH-378/A, Street No.5, Raj Nagar, Pt.II,
Palam Colony.
20. Bhupinder Singh S/o Sh. Chandan Singh
R/o H.No.85, Pocket-26, Sector-24,
Rohini, Delhi-110085
21. Virpal Singh S/o Sh. Hukam Singh
R/o B-2/99, Sad Ext., Delhi-93.
22. Dinesh Kumar S/o Late Sh. Bhagal Ram
R/o B-19-D, DDA Flat, Tilak Nagar,
New Delhi.
23. Radhey Shyam S/o Sh. Kamla Prasad
R/o D-137, Vijay Vihar, Phase-II,
Near Sector-4, Rohini, New Delhi-85
24. Sunil Kumar Arora S/o Late Sh. Gokal Chand,
R/o 35-Sanskrit Nagar Apartment,
Sector-14, Rohini, Delhi-85.
25. Karamvir Singh S/o Sh. H.R. Verma,
R/o 1703/3, Govind Puri Extension,
Kalkaji, New Delhi-19
26. Ashok Kumar Jain,

- S/o Late Sh. Jai Chand Jain,
R/o H-100, Nanak Pura, Moti Bagh-II,
New Delhi-21.
27. Satyaveer S/o Late Sh. J.S. Sharma,
R/o H-214, Kali Bari Marg, New Delhi.
 28. Anil Kumar S/o Late Sh. N.K. Singh,
R/o RZ-601/403, Gali No. 15C, Shivpuri,
West Sagarpur, New Delhi-46
 29. Shyam Singh S/o Late Sh. Amar Singh,
R/o H.No. 432, V&PO Tugalkabad
New Delhi.
 30. Dev Singh Fonia S/o Sh. M.S. Fonia,
R/o Flat No.274, Sector-IV, Timarpur,
Delhi-110054.
 31. Bal Ram S/o Late Sh. Mamchand,
R/o 7/4B, Gole Market, Mandir Marg,
New Delhi-110001
 32. Sanjay Kumar S/o Sh. Ramyatan Prasad,
R/o Flat No.5/2, Plot No.124, Gyan Khand-I
Indirapuram, Ghaziabad.
 33. Balbir Singh S/o Sh. R.D. Bhatia,
R/o H-253, Kali Bari Marg,
New Delhi-01.
 34. Mahender Kumar Bains,
S/o Sh. DD Bains,
R/o F-145/3, Andrews Ganj,
New Delhi.
 35. Jagpal Singh S/o Sh. Karan Singh,
R/o Q.No.950, Sec.7, R.K. Puram,
New Delhi-22
 36. Navneet Kaur S/o Sh. N.S. Soni
R/o B-70, Pandav Nagar,
Delhi-110092.
 37. Charan Singh S/o Late Sh. Nand Ram,
R/o Z-537, Timarpur, Delhi.
 38. Satish Chander S/o Sh. Raja Ram Singh
R/o B-113, Rail Nagar, Sec.50
 39. Sanjay S/o Late Sh. Dular Singh
R/o H.No. 757, Sec.2, Type-II,
Sadiq Nagar, New Delhi-49.

40. Ajay Kr. Syal S/o Late Sh. J.N. Syal,
R/o 1973, L.R.C., New Delhi.
41. Brinderjeet Kaur Jagdev,
S/o Late Sh. Pritam Singh Ubhi,
R/o C-150/II, Street No.7, Bhajanpura,
Delhi-110053
42. Pankaj Malik S/o Late Sh. N.S. Malik,
R/o H.No. 286, Sec. 9, Bahadurgarh,
Haryana-124507
43. Vinay Srivastava S/o Sh. M.M. Srivastava,
R/o C-49, Mohan Garden, Uttam Nagar,
Delhi-59.
44. Shakti Singh Tokas S/o Sh. Sant Ram Tokas,
R/o 204, Munirka Village, New Delhi-67
45. Kamaljeet S/o Sh. K.S. Dalal,
R/o I, Saket Kunj, Sec.9, Rohini,
Delhi-110085.
46. Ramkesh Rani S/o Sh. Sunder,
R/o Q.No.54/I, Pushp Vihar,
New Delhi-17
47. Narender Singh S/o Late Sh. Pratap Singh
R/o C-18, Hanuman Road, Kanautpalace,
New Delhi-110001
48. Manoj Kumar S/o Late Sh. Tek Chand Sharma,
R/o H.No. 51, Street No.3 Brahampur,
Delhi-110053
49. Ram Narain S/o Sh. Banwari Lal,
R/o H.No. 1030, Lodhi Road Complex, New Delhi.
50. Govind Dahiya S/o Sh. Dharam Singh,
R/o H.No. 203, V&PO Nahri Distt. Sonipat
(Haryana)
51. Manoj Prasad S/o Late Sh.S.N. Prasad,
R/o WZ-154/I, G.F. Gali No.5, Virender Nagar,
New Delhi.58.
52. Madan Pal Singh S/o Late Sh. Vedpal Singh,
R/o B-240, Saroop Nagar, Delhi-42
53. Sumesh Chandra S/o Late Sh. B.D. Chandra,
R/o L-280-B, Lajpat Nagar, Shaibabad,
Ghaziabad.

54. B.S. Mandal S/o Late Sh. Raghunath Mandal,
R/o 668, Type-II, Sec.IV, Timarpur,
Delhi-110054.
55. Hajari Lal Dhank S/o Late Sh. Rura Ram,
R/o 1916, Laxmi Bai Nagar,
New Delhi-110023.
56. Joginder Singh S/o Late Sh. Ram Singh,
R/o V.P.O. Nayabans, Delhi-110082.
57. Rajpal Parcha S/o Sh. Ram Kala Parcha,
R/o H.No.94, Village & P.O. Khera Kalan,
Delhi-110082
58. Balbir Singh S/o Late Chhotu Ram,
R/o H.No.355/2, V&PO Bijwasan
New Delhi.
59. Pramod Kumar, S/o Shri J.P.Singh
Working as Assistant, Railway Board
Rail Bhawan, New Delhi.
60. Rajen Prasad S/o Shri Jageswar Prasad
R/o C-401, Kasturba Nagar
New Delhi – 110 003.
61. Dalip Kumar S/o Late Shri Akeldev
R/o A-466, Minto Road, New Delhi.
62. P.Ramesh Kumar S/o Late Shri R.P.Pillai
R/o 86/398, D12 Area, Gole Market, Sec-01, Delhi Applicants

(By Advocate:Shri Yogesh Sharma)

VERSUS

1. Union of India through
The Secretary, Railway Board
(Ministry of Railways), Rail Bhawan
New Delhi.
2. The Secretary
Department of Personnel and Training
Govt. of India, North Block, New Delhi.
3. The Secretary
Ministry of Finance, Department of Expenditure
Govt. of India, North Block, New Delhi. Respondents.

(By Advocate:Shri S.M.Arif)

ORDER (ORAL)

By Hon'ble Mr. V. Ajay Kumar,

Heard both sides.

2. When this matter is taken up, the learned counsel for the applicants submits that the subject matter of this OA is squarely covered by a decision of this Tribunal in O.A. No.98/2014 (Ms. Malbika Deb Gupta Vs. UOI & Ors.) & batch dated 27.03.2015 as upheld in W.P.(C) No.8058/2015 (UOI & Ors Vs. Malbika Deb Gupta) and batch dated 04.11.2016 by the Hon'ble High Court of Delhi and, accordingly, prays for passing of the same order in this OA also.

3. However, the learned counsel for the respondents while disputing the same prays for dismissal of the OA.

4. On perusal of the said orders dated 27.03.2015 and dated 04.11.2016, we find that the relief claimed by the applicants is covered by the aforesaid decision. For connivance sake, the operative portion of the Order dated 27.03.2015 in O.A. No.98/2014 & batch of this Tribunal is extracted as under :-

"4. In the facts and circumstances of the case, we allow these OAs and declare that the discrimination in granting the pay scales to the directly recruited Staff Nurses prior to 01.01.2006 and after 01.01.2006 is in violation of Article 14, 16 and 39 (d) of the Constitution of India. We, therefore, direct the Respondents to treat the Applicants at par with the Direct Recruit Staff Nurses appointed after 01.01.2006 and grant the PB-2 scale of Rs.9300-34800 with the grade of pay of Rs.4600 with effect from 01.01.2006 and fix their pay accordingly. The Applicants are also entitled for all consequential benefits including arrears of pay and allowances with up to date interest at rate applicable to GPF deposits. The aforesaid directions shall be complied with, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

Let a copy of this order be placed in all the three cases."

5. The batch of W.P.s No.8058/2015 were dismissed by the Hon'ble High Court by a common order dated 04.11.2016, however, with an observation, and the relevant paragraphs read as under:-

"13. During the course of arguments, learned counsel for the petitioners has submitted that the respondents had made a prayer that the multiplier of 1.86 should be applied to the upgraded grade pay or pay scale. Counsel for the respondents on instructions have uniformly state that they are not pressing or raising the said contention. We take the said statement on record to avoid and clear any doubt.

14. Resultantly, the writ petitions are dismissed with the observation that the petitioners will pay to the respondents the minimum computation under clause (i) to clause (A) to Rule 7 and then compute the minimum pay applicable with reference to the pay band plus grade pay applicable to the revised pay scales as mentioned in section II of Part B of the First Schedule to the 2008 Rules. If the net resultant figure as per clause (ii) to Rule 7A is higher, then the respondents would be entitled to benefit of sub-clause (ii) to Rule 7 Clause (A) of the 2008 Rules."

6. In the circumstances and for parity of reasons, the OA is disposed of in terms of the orders of this Tribunal dated 27.03.2015 in OA No.98/2014 & batch and as upheld by the Hon'ble High Court in W.P.(C) No.8058/2015 and batch dated 04.11.2016. No costs.

(P.K.Basu)
Member (A)

(V. Ajay Kumar)
Member (J)

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