

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.3459/2016
M.A. No.3012/2016

Thursday, this the 6th day of October 2016

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)

1. Indrani Kumari
W/o Mr.Hemant Kumar
Aged about 49 years
R/o Q. No. 5, Type-II, P & T Colony
Pusa Road, New Delhi
Working as Sr. Lab Technician
2. Shabnam Sharma
W/o Mr. R.K. Sharma
Aged about 46 years
R/o B-59, Mansa Ram Park, Nawada,
Uttam Nagar, New Delhi
Working as Lab Technician
3. Alice Thomas
W/o Mr. V. Thomas
Aged about 60 years
R/o Qr. No. 27, Basaidarapur, ESI Colony,
New Delhi
Working as STA Lab.
4. Renu Yadav
W/o Mr.Virender Kumar
Aged about 50 years
R/o 27-C, DDA Flats, Mansarowar Park,
Shahdara, Delhi-110032
Working as Lab Technician
5. Harjeet Kaur
W/o. Jasbir Singh
Aged about 50 years
R/o C-323, Panchvati Society
VikasPuri, New Delhi
Working as Lab Technician
6. Sarita Baxla
W/o Oscar Baxla
Aged about 51 years
R/o 131 MIG DDA Flats, Punjabi Bagh,
Madipur, New Delhi
Working Lab Assistant

7. Sukhvinder Kaur
W/o Navneet Singh
Aged about 45 years
R/o C-61 Rajouri Garden, New Delhi
Working Lab Technician
8. Anita Yadav
W/o. Jeet Ram Yadav
Aged about 44 years
R/o H. No. 190 Village PandwalaKhurd
P.O. Najafgarh, New Delhi
Working Lab Assistant
9. Rishi Pal
S/o Narain Singh
Aged about 49 years
R/o V.P.O. Bhadana, District & Tehsil Sonipat Haryana
Working as Lab Assistant
10. Katar Singh
S/o Kamal Singh
Aged about 46 years
R/o 155 A, B-Block, New Roshan Vihar
Najafgarh, New Delhi
Working as Lab Assistant
11. SushmaNegi
W/o. Shri Rakesh Negi
Aged about 48 years
R/o 1149 Sector-7, R.K. Puram, New Delhi
Working as Lab Technician
12. Manisha
W/o. Ritesh Kumar Singh
Aged about 27 years
R/o D-160, Patel Garden, Dwarka Mor,
New Delhi-110058
Working Lab Assistant
13. Asha Dhouni
W/o. Sandeep Singh
Aged about 28 years
R/o B-33, Gali No. 10, Dev Kunj Near Dada Devmandir
Raj Nagar-II, Palam Colony, New Delhi
Working as Lab Assistant

14. Surender Kumar
S/o Roshan Lal
Aged about 31 years
R/o H.No. 937, Sector 10A, Gurgaon, Haryana
Working as Blood bank Lab Technician

15. Balraj
S/o. Dharam Singh
Aged about 48 years
R/o V+P.O. Daulat Pur, Delhi
Working as Lab Assistant (IVI Lab)

16. Rajeev Kumar
S/o Anar Singh
Aged about 39 years
R/o WZ 170, Basai Dara Pur, New Delhi
Working Blood Bank Lab Technician

17. Anand Kumar Singh
S/o Chanderma Prasad Singh
Aged about 44 years
R/o R.Z. 58/271, Hans Park Sagar Pur
West, New Delhi
Working as Lab Technician

18. Sanjay Kumar
S/o Ram Ji Lal
Aged about 41 years
Q. No. 85, C Block, ESI Colony Basaidarapur
Ring Road, Delhi
Working as Blood Bank Lab Technician

19. Bhawna Tanwar
W/o Deepak Chaudhary
Aged about 31 years
R/o RZ-6/405 (New No. 37) Gali No. 1
East Sagarpur, New Delhi
Working as Lab Assistant

20. Manoj Kumar
S/o Ram Karan
Aged about 47 years
R/o Village Garh Shahjan Pur Near Sector 15
Sonipat, Haryana
Working as Lab Assistant

21. Sheela Aggarwal
W/o Late Ram Nivas Aggarwal
Aged about 58 years
R/o H.No. 1003 Ali Pur, Delhi
Working as Lab Assistant
22. Shikha Aggarwal
W/o Abhinav Aggarwal
Aged about 29 years
R/o KU-50, Pitam Pura Near District Park
New Delhi
Working as Lab Assistant
23. Sunil Kumar Sarkania
s/o Ram Saran
Aged about 43 years
R/o RZ 630A, St 27 E-1, Sadh Nagar-II
Palam Colony, New Delhi
Working as Lab Technician
24. Vikas Vyas
S/o Ramesh Chand Sharma
Aged about 30 years
R/o 89, Competition Colony, Rangbari Rd,
Mahaveer Nagar-III, Near Police Station, Kota
Rajasthan,
Working as Blood Bank Lab Technician
25. Anita
D/o Ram Saran
Aged about 49 years
RZ 681 A/1 Gali No. 27E-I, Sadh Nagar-II, Palam Colony
New Delhi
Working as Lab Assistant
26. Santosh Devi
W/o Kamraj Gahlot
Aged about 46 years
V.P.O. Jaunty, Delhi - 81
Working as Lab Technician
27. Omana Madhu
W/o T.K. Madhusudan
Aged about 56 years
R/o B-41A, DSIDC, Paschim Puri, New Delhi
Working as Lab Technician
28. Prem Swaroop Seth
S/o Late M.L. Seth

Aged about 43 years
R/o WZ-115 Phase-I, OM Vihar
Uttam Nagar, New Delhi
Working as Lab Assistant

29. Rakesh Saini
S/o Prabhati Lal Saini
Aged about 26 years
R/o J-241 Swami Dayanand Colony, Sarai Rohilla
New Delhi
Working as Lab Assistant

30. Subhajit Halder
S/o Tapan Halder
Aged about 25 years
R/o 16/E Panditia Road, Kolkata, PS Gariahat
Working as Lab Assistant

31. Sosamma Mony
W/o. Mony Thomas
Aged about 51 years
R/o B-81, 1st Floor, Tagore Garden,
Ext. Holy Child School, New Delhi
Working as Lab Technician

32. Sunil Kaur
W/o Shri. Jagdish Chander
Aged about 50 years
R/o Flat No. 114, Pocket E,
Sector 17, Dwarka
New Delhi
Working as Lab Assistant

33. Deepak Massey
S/o. Late James Massey
Aged about 46 years
R/o Q. No. 379-380, ESI Staff Colony,
Basai Darapur, New Delhi
Working as Lab Technician

34. Ishwari Dutt
S/o. Late Hari Dutt
Aged about 57 years
R/o. R-14A, Mohan Garden, Uttam Nagar,
New Delhi
Working as Lab Technician

35. Birender Singh
S/o Gulab Singh
Aged about 45 years
R/o Q No. 332, ESI Colony, Basaidarapur, New Delhi
Working as Lab Assistant

36. Ruchi Gosain
W/o Navin Gosain
Aged about 42 years
R/o C-19 A Om Vihar Uttam Nagar, New Delhi
Working as Lab Technician

37. Ram Sanehi
S/o Bhadaï Ram
Aged about 57 years
R/o 169 Deep Enclave, Part-III
Gali No. 3 Vikas Nagar, New Delhi
Working as Lab Technician

38. Monica Ekka
W/o Ruben Ekka
Aged about 46 years
R/o Q.No. 114 C ESI Hospital Colony, Basaidarapur
New Delhi
Working as Lab Technician

39. Anita Bist
W/o Rajesh Bist
Aged about 45 years
R/. Q.No. 87C ESI Hospital Basaidarapur, New Delhi
Working as Lab Technician

40. Krishan Kumar
S/o. J.S. Sharma
Aged about 53 years
R/o D-166A, Gali No. 5 Ganga Vihar Delhi
Working as Lab Assistant

41. Trilok
S/o Shri Laxman Prasad
Aged about 30 years
R/o FL-351 DeenDayal Nagar Gwalior M.P.
Working as Lab Assistant

42. Balwant Singh
S/o. Late Bhopal Singh
Aged about 42 years
R/o Q. No. 234-235, ESI Colony

Basaidarapur, New Delhi
Working as Lab Assistant

43. Tejpal Singh
S/o Darshan Lal
Aged about 46 years
R/o H.No. 22 Second Floor Swayan Sewa Group
Housing Society, Jhilmil colony, Delhi
Working as Lab Assistant

44. Pushpa Puri
W/o Satish Puri
Aged about 49 years
R/o WZC-28, Gali No. 11 New Mahavir
Tilak Nagar, New Delhi
Working as Lab Assistant

- 45.Charan Singh
S/o Horam Singh
Aged about 48 years
R/o D 7/94B Dayalpur Ext. New Delhi
Working as Lab Technician

46. Harbir Singh
S/o Randhir Singh
Aged about 50 years
R/o M-268, JJ Colony Camp-3
Nangloi, Delhi
Working as Lab Assistant

- 47.Poonam
W/o Ravi Shankar
Aged about 32 years
R/o RZ 17 A, Gali No. 6, Shiv Puri(West)
Sagarpur, New Delhi
Working as Lab Assistant

48. Anita Devi
W/o Rakesh Dabas
Aged about 46 years
R/o Flat No. 488 Sector-13 Pkt-A, Rose Wood Aprt.Dwarka
New Delhi
Working as Lab Assistant

49. Harender Singh
S/o Sabar Singh
Aged about 47 years

R/o RZ 26P/264, A3, Gali No. 2,
Indira Park Palam Colony
New Delhi
Working as Assistant

50. Rakesh Kumar
S/o Munshi Ram
Aged about 42 years
R/o H.No. 150 Village Sarai Sohal,
Palam, New Delhi
Working Lab Assistant
51. Mukesh Kumar
S/o Raja Ram
Aged about 45 years
R/o H.No. 94, L Ext. Mohan Garden
Uttam Nagar, New Delhi
Working as Lab Assistant
52. Anupama
W/o. Mukesh Kumar
Aged about 43 years
R/o H. No. 94 L-Ext., Mohan Garden,
Uttam Nagar, New Delhi
Working as Lab Technician
53. Neeru
W/o Devender Kumar
Aged about 30 years
R/o RZ-92A Q Ext. UttamVihar, Uttam Nagar
New Delhi
Working Lab Assistant
54. Suresh Kumar Santolia
S/o late Teja Ram Santolia
Aged about 37 years
R/o Village Sakray, Post-Khiroti via Ganeshwar,
Teh-Neemkathana, Distt-Sikar (Raj)
Working Blood Bank Technician
55. Anil Kumar Kalra
S/o. Late Om Prakash Kalra
Aged about 42 years
R/o A-11, Shivaji Vihar,
New Delhi- 110027
Working as Blood Bank Laboratory Technician

56. Parmod Kumar
S/o Late Jagdish Prasad
Aged about 50 years,
R/o B-11, Type II ESI Colony
Sector 15, Rohini, New Delhi
Working as Laboratory Assistant
57. Manjeet Kaur
d/o Sh. Trilochan Singh
Aged about 29 years
R/o WZ-3, Manohar Park,
Punjabi Bagh, New Delhi- 110026
Working as Blood Bank Laboratory Technician
58. Surya Prakash Tanwar
s/o J.R. Tanwar
Aged about 46 years
R/o WZ 245A Gali No. 3,
SabziMandi Road, Uttam Nagar,
New Delhi -59
Working as Laboratory Technician
59. AleyammaReju,
W/o Reju Abraham,
Aged about 45 years,
R/o 19 C/1, Jeevanjyoti Apartments,
Mehrauli, New Delhi 30
Working as Laboratory Assistant
60. Swati Sharma
W/o AbhishekBakshi
Aged about 26 years,
R/o WZ- 860A, Lane 15,
Sadh Nagar, Palam Colony,
New Delhi- 45
Working as Laboratory Assistant.
61. Mukesh Kumar
s/o Late Shri. Hemchander,
Aged about 43 years
R/o. Village Samespur Khalso,
New Delhi -73
Working as Laboratory Assistant.
62. Poonam Malhotra
W/o Sunil Malhotra
Aged about 49 years,
R/o JB/9B Malviya Nagar (Khirki) Ext.
New Delhi-17
Working as Laboratory Technician
63. Surender Singh
S/o. Late Net Ram
Aged about 49 years
R/o H. No. 792/29

Dev Nagar, Sonapat, Haryana 131001
Working as Laboratory Technician

64. Vinesh D. Meshram
s/o Dayaram Meshram
Aged about 48 years
R/o G- 164, Sector 56
NOIDA (UP) 201301
Working as Senior Laboratory Technician
65. Anil Kumar
S/o Late Yog raj
Aged about 45 years
R/o Q. No. C-75, Staff Colony
Basaidarapur, New Delhi- 15
Working as Laboratory Assistant.
66. Savita Rani,
W/o. Shri. Rahul
Aged about 28 years
R/o. E- 376, 3rd floor, Tagore Garden Ext,
New Delhi- 110027
Working as Laboratory Assistant
67. Vinod Kumar Sharma
S/o Sh. Laxmi Narayan
Aged about 46 years,
R/o H. No. 28,
Village and Post Office Shikarpur, New Delhi-43
Working as Laboratory Assistant
68. Shatrughan Prasad
s/o Late Sh. Shivji Prasad
aged about 52 years
R/o C-111 Basaidurapur
New Delhi 15
Working as Laboratory Assistant.

Petitioner no. 1 to 68 are posted at ESI Hospital Basaidarapur/
Dispensaries, Delhi

69. Ram Kishore Kerketta
s/o C.C. Kerketta
Aged about 47 years
R/o B-24, Type II, ESI Colony, Okhla,
New Delhi
Working as Senior Laboratory Technician
70. Asha Dubey
w/o Ganga Prasad Dubey
Aged about 34 years
R/o B-99, Durga Vihar Devli,

New Delhi-62
Working as Laboratory Technician

Petitioner no. 69 to 70 are posted at ESI Hospital Okhla, Delhi

71. Rajan Thomas
s/o. Late M.V. Thomas
Aged about 56 years
r/o. C- 54, ESI Hospital Staff Quarters,
Jhilmil, Delhi- 110095
Working as Senior Technical Asstt. (NOIDA)
72. Mary Sebastian
w/o. Sebastian E.
Aged about 59 years,
r/o N-29, B-3, Dilshad Garden,
Delhi 110095
Working as Senior Laboratory Technician (NOIDA)
73. Claramma John
w/o John Bosco
Aged about 57 years,
r/o B-14/303, Himgiri Apartments,
Sector 34, Noida
Working as Senior laboratory Technician (NOIDA)
74. Manoj Simon
s/o W. Simon
Aged about 50 years,
r/o S-194, School Block, Shakarpur
Delhi- 110092
Working as Laboratory Technician (NOIDA Hospital)
75. Madhu Sudan Sharma
s/o Ram Niwas Sharma,
Aged about 49 years,
r/o 185/28, Main Krishna Marg, Gali No. 6,
Adarsh Mohalla, Mojpur, Delhi-53
Working as Laboratory Technician (NOIDA)
76. Nitya Gupta
w/o Bhanu Gupta,
Aged about 30 years,
r/o Q No. 223, ESI Hospital Complex,
Sector 24, NOIDA
Working as Laboratory Technician (NOIDA)
77. Rajnigandha
d/o Ashok Kumar
Aged about 32 years,
r/o Q. No. 226, ESI Hospital Complex,
Sector 24, NOIDA
Working as Laboratory Technician (NOIDA)
78. Gajendra Kumar Mourya
s/o Shyam Lal Mourya,

Aged about 32 years,
r/o Q .No. 225, ESIC Hospital Complex,
Sector 24, NOIDA.
Working as Laboratory Technician (NOIDA)

79. Digamber Dutt
s/o Late Sh. Ganga Dutt
Aged about 58 years,
r/o H.N. 275, Raksha Enclave,
Gali No. 2, Mohan Garden,
New Delhi 110059
Working as Laboratory Technician (NOIDA)

80. Hemant Kumar
s/o R.K. Mahto
Aged about 46 years,
R/o Q.No. 262, ESIC Colony,
Sector 56, NOIDA
Working as Laboratory Assistant (NOIDA)

81. Satyadev Singh
s/o Niranjan Singh,
Aged about 57 years,
r/o A-53, Indra Enclave,
Loni Border, Ghaziabad, U.P.
Working as Laboratory Assistant (NOIDA)

82. Gyan Chand
s/o Late Sh. Khajan Singh,
Aged about 52 years,
r/o Q. No. 201, ESI Hospital Complex,
Sector 24, NOIDA, UP
Working as Laboratory Assistant (NOIDA)

83. Mamta Biswas
w/o Vipin Biswas,
Aged about 35 years,
r/o H.No. 25/61-A,
Gali No. 15, Vishwas Nagar,
Shahdara, Delhi- 110032
Working as Laboratory Assistant (NOIDA)

84. Renu Sharma
w/o Arun Kumar Sharma
Aged about 32 years,
r/o C-1/63, Sector 55
LIG Flats, NOIDA 201301
Working as Laboratory Assistant (NOIDA)

85. Vinita Alick
w/o Deepak Alick
Aged about 35 years
r/o Q. No. 227, ESIC Hospital Complex,
Sector 24, NOIDA- U.P.
Working as Laboratory Assistant (NOIDA)

86. Kirti Sharma
d/o Raman Kumar Sharma
Aged about 29 years
r/o B-1068, Radha Bhawan,
Shastri Nagar, Delhi- 110052
Working as Laboratory Assistant (NOIDA)

87. Rajkumar
s/o Ravindra Kumar
Aged about 34 years,
r/o Gupta Market, Murad Gram
Pur-Pursi, Muradnagar,
Ghaziabad- 201206
Working as Laboratory Assistant (NOIDA)

88. Bhagirath
s/o Late Sh. Gupta Ram,
Aged about 48 years,
r/o Q. No. 325, ESI Hospital Complex,
Sector 24, NOIDA U.P.
Working as Laboratory Assistant (NOIDA)

89. Kamar Pal Singh
s/o Late Sh. Rati Ram
Aged about 53 years,
r/o B-131/3, Rajeev Nagar,
Mandoli, Delhi 93
Working as Laboratory Assistant (NOIDA)

Petitioner no. 71 to 89 are posted at ESI Hospital Noida

90. Pushpa Shashi Kumar
W/o Mr. T.K. Shashi Kumar
Aged about 54 years,
R/o A-1 /143/ Sector-16,
Rohini, Delhi-110089
Working as: Senior Lab Technician

91. Sheela Rani
W/o Mr. Ashok Kumar
Aged about 49 years
R/o. C-1/40, Sector-15, Rohini, Delhi
Working as Lab Technician

92. Ashok Kumar
S/o Daulat Ram
Aged about 39 years,
R/o RZ-H-18, Gali No.03 Nihal Vihar, Nagloi,
New Delhi-110041
Working as: B. Bank. Technician

93. Anita Arora
W/o Ramesh Kumar

- Aged about 48 years.
R/o A-8 Type-2 ESI Hospital Colony,
Rohini, Sector 15, New Delhi
Working as Lab Technician
94. Biji Jose
W/o Mr. Jose Varghese
Aged about 48 years
R/O C-8 Type – II, E.S.I colony, Rohini Delhi
Working as Lab Technician
95. Rajender Kumar
S/o Maha Singh
Aged about 48 years,
R/o 554/31 G.No. 7,
New Court Road Ashok Vihar, Sonipat (HR)
Working as: Lab Technician
96. Ajit Kumar Lakra
S/o Tintus Lakra
Aged about 32 years,
R/o G-1/74 Ist floor, Sector-11, Rohini,
Delhi-110085
Working as Lab Technician
97. Kumar Amrendra
S/o Sheo Kumar Sharma
Aged about 32years,
R/o B-6/188, Sector-03, Rohini
Working as Lab Technician
98. Yogesh Pawar
S/o Ram Diya
Aged about 42 years
R/o B4/44, Sector-15, Rohini, Delhi
Working as Lab Assistant
99. Prakash Chand
S/o.Piundi Ram
Aged about 36years,
R/o B-7/10(G.F) Sector-15, Rohini, Delhi-110089
Working as Lab Assistant
100. Gayatri Verma
W/o. Sandeep Kumar
Aged about 30years,
R/o S-146/181, Adarsh Basti,
Mohmmad Pur, Nai Basti, New Delhi110006
Working as Lab Assistant

101. Deepti Bisht
D/o Tej Singh Bisht
Aged about 28 years,
R/o B-7, Flat No. 56, Sector-17, Rohini, Delhi
Working as Lab Assistant

102. Rama Kumari Kanojia
D/o. RatanLal
Aged about 35 years,
R/o A1-B/94, Janak Puri, New Delhi 110058
Working as Lab Assistant

103. Sunny Singh
S/o Sh. Mani Ram
Aged about 29 years,
R/o F1-174, Sultan Puri, New Delhi
Working as Lab Assistant

104. Jai Pal Singh
S/o Hardev Singh
Aged about 53 years,
R/o: 430, Pooth Kalan Delhi 11008
Working as Lab Assistant

Petitioner no. 90 to 104 are posted at ESI Hospital Rohini

105. Shefali Baadlas
W/oNishant Gupta
B-204, Nishant Prime, Inmadihalli Road,
Whitefield, Bangalore – 66
Working as Lab Assistant

106. Lancy Paul Furtado
S/o S.J. Furtado
Aged about 56 years
R/o C-15, ESI Hospital Campus, Jhilmill Colony
Delhi-95
Working as Senior Technical Assistant

...Applicants

(Mr. Sudarshan Rajan and Mr. Ramesh Rawat, Advocates)

Versus

1. The Secretary
Ministry of Labour
Sharam Shakti Bhawan, New Delhi

2. The Secretary
Ministry of Health & Family Welfare
Nirman Bhawan New Delhi
3. Director General
ESIC Headquarters
Panchdeep Bhawan
CIG Marg, New Delhi – 110 002
4. The Medical Superintendent
ESIC Headquarters
Panchdeep Bhawan
CIG Marg, New Delhi – 110 002

..Respondents

(Mr. Yogesh Mahur, Advocate for Mr. Gyanendra Singh, Advocate for respondent Nos. 1 & 2)

O R D E R (O R A L)

Mr. V. Ajay Kumar:

M.A. No.3012/2016

M.A. seeking joining together in a single petition is allowed.

O.A. No.3459/2016

Heard.

2. The applicants, who are working in various capacities under the ESIC Hospitals, filed the present O.A. seeking the following reliefs:-

“(i) Direct the respondents to hold a cadre review in terms of the office memorandum dated 17.07.2015 for the post of Medical Laboratory Staff of ESIC Hospitals and amend the recruitment rules as a consequence to holding cadre review.

(ii) Direct the respondents to fix the Grade pay of Lab Assistants at Rs.2,800/- as available in respect of all the Lab Assistants in the other Central Government Organizations, and thus, grant the applicants grade pay Rs.2800/- after holding the cadre review in terms of the O.M. dated 17.07.2015. Similarly grant the Lab Technician/Blood Bank Technician/Blood Bank Lab Technicians, Senior Lab Technicians and Senior Technical Assistants their respective pay scales after their re-designation in terms of the office memorandum dated 17.07.2015.

(iii) Direct the respondents to conduct the DPC in terms of the amended recruitment rules and grant all consequential benefits to the Applicants w.e.f. 17.07.2015 wherefrom their counterparts in other Governments hospitals have been granted such benefits including benefits relating to grant of ACP and MACP by counting their length of service as per the

circular dated 17th July 2015 (as relief consequential to prayer a and b above).

(iv) Direct the Respondents to pay costs to the Applicants.”

3. It is submitted that the applicants have made number of representations vide Annexure A-8 (colly.) ventilating their grievances to the respondents. However, no order has been passed thereon till date.

4. In the circumstances, the O.A. is disposed of at the admission stage, without going into the merits of the matter by directing the respondents to consider Annexure A-8 (colly.) representations made on behalf of the applicants and pass a speaking and reasoned order within ninety days from the date of receipt of a copy of this order, in accordance with law. No costs.

5. Let a copy of this O.A. be enclosed to this order.

(K.N. Shrivastava)
Member (A)

(V. Ajay Kumar)
Member (J)

October 6, 2016
/sunil/