

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA-3143/2016

New Delhi, this the 27th day of September, 2016

Hon'ble Sh. Shekhar Agarwal, Member (A)
Hon'ble Sh. Brahm Avtar Agrawal, Member (J)

Smt. Anju Sharma,
W/o Sh. R.K. Sharma,
R/o RZE-52, Gali No. 2,
Gandhi Market, West Sagarpur,
New Delhi-110066. ... Applicant

(by Advocate : Sh. Pawan Kumar for Sh. 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-110007. ... Respondents

ORDER(ORAL)

Sh. Shekhar Agarwal, Member (A)

This OA has been filed seeking the following reliefs:

- "a) to summon the relevant records pertaining to the grant of 3rd financial upgradation under MACP Scheme to the applicant;
- b) to quash and set aside the order whereby the pay of the applicant has been fixed in the pay scale of Rs. 15600-39100 + 5400 (GP);
- c) to issue appropriate directions to the Respondents to re-fix pay of the applicant in the relevant pay scale with

grade pay of Rs. 6600/- in place of Rs. 5400/- with all consequential benefits as per law;

d) to issue appropriate directions to the respondents to bear the cost of litigation on behalf of the applicant;

e) to pass any other or further order which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

2. Learned counsel for the applicant argued that this case is squarely covered by the judgment of Hon'ble High Court of Delhi in Writ Petition No. 5146/2012-**Union of India vs. Delhi Nurses Union (Regd.) and Anr.** dated 24.08.2012. He said that in a similar OA No. 910/2016, this Tribunal on 17.05.2016 has passed the following order:

"3. We are, therefore, satisfied that issue involved in this OA is exactly the same to the aforementioned OA. Accordingly, we dispose of this OA at this stage, without going into the merits of the case, by directing the respondents to consider the legal notice dated 20.03.2015 got issued on behalf of the applicant and to pass appropriate speaking reasoned orders thereon, in accordance with law, within 90 days from the date of receipt of a copy of this order. No order as to costs."

3. Learned counsel stated that the applicant would be satisfied in case directions were given to the respondents to examine the case of the applicant in the light of the aforesaid judgments of Hon'ble High Court of Delhi and this Tribunal and extend the same benefit to the applicant as were granted to the petitioner therein.

4. Accordingly, we dispose of this OA without issuing notice to the respondents and without going into the merits of this case, with a direction to the respondents to examine the case of the applicant herein in the light of the aforesaid judgments. In case the case of the applicant is found to be covered by the same, then she shall be extended the same benefits as were allowed to the applicant of OA No. 910/2016 and respondents in Writ Petition No. 5146/2012. The respondents shall decide the case of the applicant within a period of sixty days from the date of receipt of a certified copy of this order and

they shall communicate their decision to the applicant by means of a reasoned and speaking order. No costs.

(Brahm Avtar Agrawal)
Member (J)

(Shekhar Agarwal)
Member (A)

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