

**Central Administrative Tribunal
Principal Bench**

OA No.4347/2014

MA No.3817/2014

With

OA No.4310/2015

MA No.3918/2015

OA No.4312/2015

New Delhi, this the 19th day of December, 2017

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

OA No.4347/2014

1. Km. Pravesh,
Age 29 years (Lab Technical),
D/o Shri Suresh Pal,
R/o C/734, LIG Flat,
East of Loni Road,
Shahdra, Delhi-93.
2. Kumud Kumari,
Age 32 years (Pharmacist),
D/o Shri Giri Prashad Shukla,
R/o B-1, Hargovind Vihar,
Vijay Vihar, Phase-2,
Delhi-85.
3. Arti,
Age 32 years (Pharmacist),
D/o Shri Than Singh Lohmorh,
R/o 85-C, MIG DDA Flat Jhilmil,
Delhi-32.

...Applicants

(By Advocate: Shri Harish Kumar)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
New Secretariat, New Delhi.
2. Principal Secretary (Health),
Govt. of NCT of Delhi,
New Secretariat, New Delhi.

3. Medical Superintendent,
G.B. Pant Hospital, New Delhi.

...Respondents

(By Advocate : Shri Vijay Pandita)

OA No.4310/2015

1. Manjeet Singh,
Age 32 years (Lab Tech),
S/o Shri Rajbir Singh,
R/o Vill.VPO-Jahri,
Sonipat, Haryana.
2. Sudhir Kumar Bhardwaj,
Age 30 years (Lab Asst.),
S/o Shri Shyam Sharma,
R/o G-123, Sec-56, Noida,
G.B. Nagar (UP) 201301.
3. Predeep Kumar Sah,
Age 33 years (Lab Tech),
S/o Shri Brij Mohan Sah,
R/o H.No.983, Gali No.23 A,
Swatatntra Nagar,
Narela, Delhi-40.
4. Suman Sharma,
Age 31 years (Lab Asst.),
D/o Shri Birbal Sharma,
R/o E-38, Yadav Nagar,
Samaypur Badli, Delhi-42.
5. Kumar Dev Parkash,
Age 37 years (Lab Tech.),
S/o Shri Bendeshri Parsad Sharma,
R/o H.No.123, Gali No.6,
Hari Nagar Extn. Badarpur,
New Delhi.
6. Sajid S.K. Wal,
Age 33 years (Lab Tech),
S/o Shri Md. Mustafa,
C/o Shri Bhup Singh,
Near Bharat Ghar, Sewa Mahalla,
Lajpat Nagar, Gardhi.

7. Rahul Pawar,
Age 29 years (Lab Asst.),
S/o Shri Jaspal Singh Pawar,
R/o 16/1B, P&T Quarter,
Type-3, Kali Bari Marg,
Gole Market, New Delhi-01.
8. Rinku Singh,
Age 33 years (Lab Tech.),
D/o Shri Prabhas Singh,
R/o Kusum Niwas, H.No.28,
Gali No.8, Shivpuri, Mithapur,
Badarpur, New Delhi-44.
9. Richa Sharma,
Age 28 years (Lab Asst.),
D/o Shri S.C. Sharma,
R/o RZG 72, Mahavir Enclave,
Mandir Marg, Street No.7,
Near Universal Public School,
Palam Road, New Delhi-45.
10. Hina S. Quraishi,
Age 28 years (Lab Tech.),
D/o Shri Mohd. Sareef Quraishi,
R/o 688, Sheesh Mahal,
Azad Market, Delhi-6.
11. Prem Kumar Verma,
Age 33 years (O.T. Tech.),
S/o Shri Shiv Lal Verma,
R/o H.No.2069, Sector-7,
C-WS Awas Vikas Colony,
Sikandra, Agra-282002 (UP).
12. Anil Kumar,
Age 30 years (O.T. Tech.),
S/o Shri Hukum Chand,
R/o H.No.1070, Gali No.21,
New Baselwa Colony,
Old Faridabad (Haryana).
13. Kamini,
Age 30 years (O.T. Tech.),
D/o Late Shri Kamal Kumar,

- R/o A-Block, Gali No.13, H.No.21,
Bangali Colony, Sant Nagar,
Delhi-84.
14. Manish Kumar Sharma,
Age 28 years (Lab Tech.),
S/o Shri Gopal Krishan Sharma,
R/o h.No.672, Chandni Chowk,
Katra Neel, Gali Ghanteshwar,
Delhi-06.
15. Virender Kumar Saini,
Age 34 years (Lab Tech.),
S/o Shri Chand Saini,
R/o VPO-Jahri Gen. Govt. School,
Sonipat Haryana.
16. Naveen Jhan,
Age 27 years (Lab Tech.),
S/o Shri Arun Jha,
R/o H.No.31, Gali No.16,
Sarswati Colony, Faridabad,
Haryana.
17. Amita,
Age 29 years (Lab Asst.),
D/o Shri Bhim Singh,
R/o VPO-Rohana, Dist-Sonipat,
Haryana.
18. Sarina,
Age 28 years (Lab Tech.),
D/o Shri Virender,
R/o VPO-Bainyapur,
Dist-Sonipt, Hary ana.
19. Rahul Sharma,
Age 33 years (Lab Tech.),
S/o Shri Yadram Sharma,
R/o Vill-Telak, PO-Sihaul,
Dist-Palwal, Haryana.
20. Yad Ram,
Age 33 years (Lab Tech.),
S/o Shri Ved Ram,
R/o Village Nangla Jogiyam,
PO-sikri, Distt-Friddabad (HR).

...Applicants

(By Advocate: Shri Harish Kumar)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
New Secretariat, New Delhi.
2. Principal Secretary (Health),
Govt. of NCT of Delhi,
New Secretariat, New Delhi.
3. Medical Superintendent,
G.B. Pant Hospital, New Delhi.

...Respondents

(By Advocate : Shri Vijay Pandita)

OA No.4312/2015

1. Satyendra Kumar Mishra,
Age 32 years (Technical Assistant),
S/o Shri Uma Shanker Mishra,
R/o A-965, Saraswati Marg,
Mandawli Fazalpur Delhi-92.
2. Vikas,
Age 34 years (Lab Technician),
S/o Shri Ishwar Lal,
R/o 590, Bhim Gali, Sabzimandi,
Malka Ganj, Delhi-07.
3. Naveen Singh,
Age 27 years (Lab Technician),
S/o Shri Shyam Lal,
R/o 9/4800, Old Seelampur,
Gandhi Nagar, Delhi-31.
4. Mukesh Kumar Verma,
Age 32 years (Technical Assistant),
S/o Shri Ram Sagart Verma,
R/o 532/a/174, Chaudhry Tala Aliganj,
Lucknow-22.
5. N. Egneshwari,
Age 30 years (Lab Assistant),
W/o Shri R. Ganesan,
R/o 825, 3rd floor Sun light Colony-II,
Ashram, New Delhi-14.

6. Anand Kumar,
Age 28 years (Lab Assistant),
S/o Shri Siya Ram Shakya,
R/o 1/44, Gali No.33,
Raja Puri, Uttam Nagar, Delhi-59.
7. Dilip Kumar,
Age 33 years (Lab Technician),
S/o Shri Prahlad Sharma,
R/o 17, Shiv Puri, Samaypur,
Delhi-42.
8. Ritu Bisht,
Age 25 years (Lab Assistant),
D/o Shri M.S. Bisht,
R/o K.B.-33, R.K. Puram Face-2,
Sec.-6, Delhi-22.
9. Krishna Kumari,
Age 35 years (Technical Assistant),
D/o Shri Gopi Ram,
R/o H.No.274, VPO-Auchandi,
Delhi-39.
10. Badri Prashad Maurya,
Age 29 years (Lab Assistant),
S/o Shri Ram Yash Maurya,
R/o 1/227, Khichripur, Kalyan Puri,
Delhi-91.
11. Ms.Jyoti Kwatra,
Age 29 years (Lab Assistant),
D/o Shri Jai Krishna Kwatra,
R/o 736, Jwala Nagar,
Shahdra Delhi-32.
12. Ms. Shweta Chaturvedi,
Age 30 years (Lab Assistant),
D/o Shri R.K. Chaturvedi,
R/o 439, Chandiwali Gali,
Paharganj, New Delhi-55.
13. Jugendra Singh,
Age 25 years (Lab Technician),
S/o Shri Rajendra Singh,

R/o H.No.7/21, Gali No.12,
Block-C, Kamal Vihar,
Kamalpur, Burari, Delhi-84.

14. Sheeja S.
Age 30 years (Lab Assistant),
D/o Shri K. Chandran,
R/o 403/Type-II Quarter,
Mirdard Lane Mamc Compus,
New Delhi-02.
15. Yogesh Kumar,
Age 30 years (Lab Technician),
S/o Shri Umesh Mishra,
R/o 153/B, Pratap Enclave,
New Delhi-59.
16. Nmita Srow,
Age 28 years (Lab Technician),
D/o Shri Gurpreet Singh,
R/o JG-1/115, Vikash puri,
New Delhi-18.
17. Jyoti Singh,
Age 29 years (Lab Assistant),
W/o Shri Manish Arora,
R/o 7/77 A, Arjun Gali,
Vishwas Nagar, Shahdra,
Delhi-32.
18. Dolly,
Age 26 years (Lab Assistant),
D/o Shri Mana Singh,
R/o H.No.323, Block No.-2,
Trilok Puri, Delhi-91.
19. Muni Kashyap,
Age 31 years (Lab Assistant),
S/o Shri Ved Prakash,
R/o H.No.20A, Gali No.03,
Jagat Puri, Delhi-51.
20. Suman Rawat,
Age 30 years (Lab Assistant),
D/o Shri Balam Singh Rawat,
R/o 730, B-Block, Gali No.05,
Ground Floor, Baba Colony,
Sant Nagar, Burari Delhi-84.

21. Lalita,
Age 26 years (Lab Assistant),
D/o Shri Vijay Kumar,
R/o H.No. 123, Village-Bagdola,
P.O.-Palam Sec.-8,
Dwarka, New Delhi-77.
22. Anita Meena,
Age 28 years (Lab Technician),
W/o Shri Lokesh Kumar Meena,
R/o 29, Tapti Sec.-B,
President Estate, New Delhi-04.
23. Pravin Kumar,
Age 30 years (O.T. Technician),
S/o Shri Deep Chand,
R/o V.P.O. Mohana, Sonapat,
Haryana.
24. Bijender Kumar,
Age 32 years (Lab Technician),
S/o Shri Darivao Singh,
R/o V.P.O. Purkach,
The. Ganaur Sonapat,
Haryana-131001.
25. K. Nianglal Kim,
Age 31 years (Lab Assistant),
D/o Shri Ginzathang,
C/o Lianneo, 11-B, Sec.-04,
M.B. Road, Pusp Vihar, Delhi-17.
26. Pramod Kumar Chauhan,
Age 34 years (Lab Technician),
S/o Shri Bharam Singh,
R/o Vill. Uldeypur, Post-Rajpura,
Distt-Meerut U.P.-25001.
27. Amit Prakash,
Age 28 years (Technical Assistant),
S/o Shri Om Prakash,
R/o H.No.198/22, Krishna Nagar,
Kath Mandi, Sonipat Haryana-131001.

28. Santosh Bedi,
Age 30 years (Lab Assistant),
W/o Shri Vikash Rohilla,
R/o 2215, Sec.-12, Sonipat,
Haryana-131001.
29. Sumit Sharma,
Age 34 years (Lab Technician),
S/o Shri Shyam Sunder Sharma,
R/o 678, Miltri Road,
Pubjabi Basti Anand Parvat,
New Delhi-05.
30. Suresh Kumar,
Age 36 years (Lab Technician),
S/o Shri Keshri Prashad,
R/o Vill. Pelak , Post-Sihol,
The/Distt.-Palwal Haryana.
31. Tika Ram,
Age 29 years (Tech. Asst.),
S/o Shri Net Ram,
R/o Village Ali Braham,
The-Hathin, P.O.-Alimeo,
Distt-Palwal Haryana.
32. Anurag Harsh,
Age 29 years (Technical Assistant),
S/o Shri Raj Kishor Kumar,
R/o J-41, Laxmi Nagar, Delhi.
33. Arun Kumar Rana,
Age 26 years (Lab Technician),
S/o Shri Mohan Singh Rana,
R/o H.No.248, DDA Janta Flat,
GTB Enclave Delhi-93.
34. Harish Kumar,
Age 26 years (O.T. Technician),
S/o Shri Balwan Singh,
R/o H.No.89/28,
Gopal Nagar, Near Shiva
Shiksha Sadan School,
Sonipat Haryana-131001.

35. Raj Kumar Saini,
Age 30 years (O.T. Technician),
S/o Shri Rishipal Saini,
R/o A-667, Shanti Nagar,
Indra Puri Extension,
Loni Puri Extension,
Loni, GZB, U.P.
36. Sanjay,
Age 30 years (O.T. Technician),
S/o Shri Hari Chand,
R/o 65, Hill Comp. Taimoor Nagar,
New Delhi-25.
37. Saimeen Raza,
Age 28 years (Technical Assistant),
D/o Shri Mhsin Raza,
R/o H.No. 3309,
Baghichi Achchi ji,
Bara Indu Rao, Delhi-110006.
38. Khushbu Gauri,
Age 28 years (Technical Assistant),
W/o Shri Yaseen Ahmed,
R/o 2157/77 A, Guru Arjun Nagar,
Near Shadipur, Metro Station,
New Delhi-08.
39. Bhupesh Kumar Sharma,
Age 28 years (Lab Technician),
S/o Shri Khem Chand Sharma,
R/o V.P.O.-Bathain Kalan,
Teh-Chhata Distt-Mathura,
Mohalla-Nivari.
40. Naveen Kumar,
Age 25 years (O.T. Assistant),
S/o Jai Bhagwan,
R/o Village Nakloi, Post Bidhlan,
Teh-Karkhodha, Distt.
Sonipat Haryana.
41. Harish Chandra,
Age 33 years (O.T. Technician),
S/o Shri Nandram,
R/o 76, Pradeep Vihar,
Nathu Pura, B-Block,
Gali No.6, Burari, Delhi-84.

42. Vimal Kumar,
Age 27 years (O.T. Tech.),
S/o Ram Baboo Yadav,
R/o Akorha, Post Amiliya,
Kala Meja, Allahabad
U.P. 212303.

...Applicants

(By Advocate: Shri Harish Kumar)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
New Secretariat, New Delhi.
2. Principal Secretary (Health),
Govt. of NCT of Delhi,
New Secretariat, New Delhi.
3. Medical Superintendent,
G.B. Pant Hospital, New Delhi.

...Respondents

(By Advocate : Shri Vijay Pandita)

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J) :-

Heard both sides.

2. The applicants in all these OAs are contractual employees and seeking directions to the respondents to fix their consolidated pay at minimum of the pay in relevant Pay Band, as the same is fixed in respect of new entrants of the relevant post. This Tribunal in OA No.2947/2013 and batch in **Sindhu Vs.Govt. of NCT of Delhi &**

Ors., by order dated 12.08.2014, considering the claim of identical contractual employees, held as under :-

“25. In the circumstances, the Original Applications are disposed of with direction to the respondents to fix the consolidated pay of the applicants at minimum of the pay in grade in the relevant pay band as the same is fixed in respect of new entrant. It is made clear that except the minimum of the pay in the grade in which the contractual employee is employed, no benefit other than the benefits already granted to them by the respondents would be admissible to them. The benefit of the minimum of pay in the grade would become available to the applicants from 1.8.2014. The amount whatever has been paid to the applicants would not be recovered from them. Needless to state that our aforesaid directions would not come in the way of the respondents to give arrears to the applicants, if they so desire on their own. No costs.”

3. The Hon'ble High Court of Delhi in a batch of Writ Petitions No.717/2015 in **Government of NCT of Delhi & Ors. Vs. Kamal Kant Sharma & Ors.**, by a common judgment dated 28.03.2017 (filed against the aforesaid batch of OAs), while dismissing the said Writ Petitions filed by the respondents, observed as under :-

"9. In Jagjit Singh and Others (supra), the Supreme Court emphasised that right to equality implies that even the contractual employees should be paid the minimum of the amount, which a regular employee would get on the post in question. This would ensure 'equal pay for equal work' and that the contractual employees are not paid less than what is granted to a newly recruited regular employee. The aforesaid dictum,

therefore, mandates that the contractual employee should not be paid monthly emoluments, which are less than what a newly recruited regular employee would get. If the newly recruited regular employee is entitled to entry pay in the pay band plus the Grade Pay, then the amount so quantified should also be taken as the minimum pay payable to the contractual employee doing the same work. This would ensure complete parity of pay scale of a contractual employee viz. the pay, which is payable to a regular appointed direct recruit.

10. The distinction between regular and contractual employees is drawn with regard to the annual increments which are payable to a direct recruit or promotee over and above his initial pay, for the same are not taken into consideration and are not to be granted to contractual employees. This position will hold good, even after we have dismissed the present writ petition.

11. In view of the aforesaid reasoning, we do not find any merit in the present writ petitions and the same are dismissed. In the facts of the case, there would be no order as to costs.”

4. It is not in dispute that the subject matter of this OA is squarely covered by the aforesaid OAs and that the applicants are claiming for the identical benefits.

5. In the circumstances and for the aforesaid reasons, the OAs are disposed of in terms of the orders of this Tribunal in OA No.2947/2013 and batch in ***Sindhu Vs.Govt. of NCT of Delhi & Ors.***, dated 12.08.2014, as upheld by the Hon'ble High Court of Delhi in ***Government of NCT of Delhi & Ors. Vs. Kamal Kant***

Sharma & Ors. dated 28.03.2017. The respondents shall examine the cases of the applicants and extend the benefits of the said decisions, if the applicants are identically placed, with all consequential benefits. However, the applicants are entitled for payment of arrears, if any, from the date of filing of the respective OAs. This exercise shall be completed within 60 days from the date of receipt of a certified copy of this order. No costs.

6. Pending MAs, if any, stands disposed of.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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