

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

O.A. No. 3791/2018
M.A. No. 4237/2018

The 5th day of October, 2018

**HON'BLE SHRI V. AJAY KUMAR, MEMBER (J)
HON'BLE SHRI A.K. BISHNOI, MEMBER (A)**

1. Sunimol Tomy
Age 43 years, Group-B,
W/o Shri Tomy Josesph
Presently Nursing Sister
ESIC Hospital, Jhilmil, New Delhi
R/o F-162/S2, Dilshad Colony,
Delhi-95.
2. Ashok Kumari Yadav
Age 57 years, Group-B,
W/o Shri Bajrang Singh Yadav
Presently Nursing Sister
ESIC Hospital Jhilmil, New Delhi
R/o H.No. 236, Triveni Apartment.
Jhilmil Colony, Delhi.
3. Archana Katyal
Age 43 years, Group-B,
W/o Shri Ravinder Katyal
Presently Nursing Sister
ESIC Hospital, Jhilmil, New Delhi
R/o 4-180, UU-II, Dilshad Colony,
Delhi-95.
4. Shashi Bala
Age 57 years, Group-B,
W/o Shri Bheem Singh
Presently Nursing Sister
ESIC Hospital Jhilmil, New Delhi
R/o H.No. 505 , Sector 13, Vasundhra
Ghaziabad-UP.
5. Prashobana T.R.
Age 53 years, Group-B,
W/o Shri Prasanna Kumar. P.N.
Presently Nursing Sister

ESIC Hospital Jhilmil, New Delhi
R/o 223-C, J & K Pocket
Dishad Garden, Delhi-95.

6. Ambily Santosh
Age 44 years, Group-B,
W/o Shri Santosh P.M.
Presently Nursing Sister
ESIC Hospital, Jhilmil, New Delhi
R/o G-123/F-1, Dilshad Colony
Delhi-95.
7. Anita Sharma
Age 58 years, Group-B,
W/o Shri Virendra Kr. Sharma
Presently Nursing Sister
ESIC Hospital Jhilmil, New Delhi
R/o G-137, F, Dilshad Garden
Colony, Delhi-95.
8. Anjali S. Singh
Age 44 years, Group-B,
W/o Shri Sandeep Singh
Presently Nursing Sister
ESIC Hospital, Jhilmil, New Delhi
R/o E-3, Plot No.2, Rajvilla Apartment
Shalimar Garden, Sahibabad, Gzb, U.P.
9. Annie Jose
Age 46 years, Group-B,
W/o Shri Jose. T. Cherian
Presently Nursing Sister
ESIC Hospital Jhilmil, New Delhi
R/o F 98/6, Dilshad Colony
Delhi-95.
10. Bindu Jain
Age 46 years, Group-B,
W/o Shri Jain N.G.
Presently Nursing Sister
ESIC Hospital, Jhilmil, New Delhi
R/o G-65 F2, Dilshad Colony,
Delhi-95.

11. Preethy Varghese
Age 44 years, Group-B,
W/o Shri Varghese Mathew
Presently Nursing Sister
ESIC Hospital Jhilmil, New Delhi
R/o B-232, Flat No.6, Ramprastha Colony
Chandernagar, Ghaziabad, UP
12. Maya Sreekumar
Age 43 years, Group-B,
W/o Shri Sreekumar
Presently Nursing Sister
ESIC Hospital, Jhilmil, New Delhi
R/o F-185/G-4 Dilshad Colony,
Delhi-95.
13. Sheeja Manu
Age 42 years, Group-B,
W/o Shri Manu Divakaran
Presently Nursing Sister
ESIC Hospital Jhilmil, New Delhi
R/o B-263, F-1, Shalimar Garden
Apartment Jhilmil Colony
Delhi.
14. Luciya Phillips
Age 45 years, Group-B,
W/o Shri Austin Deepak Phillips
Presently Nursing Sister
ESIC Hospital, Jhilmil, New Delhi
R/o UG-2, B-70,
Dilshad Colony, Delhi-95.
15. Vijay Laxmi Gupta
Age 48 years, Group-B,
W/o Shri Ajay Kumar Gupta
Presently Nursing Sister
ESIC Hospital Jhilmil, New Delhi
R/o H.No. 83A Vikram Enclave, Jhilmil
Delhi-110095.
16. Shiney Mathew
Age 41 years, Group-B,
W/o Shri Mathew Skariah
Presently Nursing Sister

ESIC Hospital, Jhilmil, New Delhi
R/o H.No.70B, Nurses Hostel
IGESI Hospital, Jhilmil
Delhi-110095.

17. Anita Lakhera
Age 47 years, Group-B,
W/o Shri Gajender Prasad Lakhera
Presently Nursing Sister
ESIC Hospital Jhilmil, New Delhi
R/o A-133, C-I, JP-Apartment
Ex-II, Shalimar Garden
Sahibabad, Ghaziabad U.P.
18. Sreedevi Biju
Age 45 years, Group-B,
W/o Shri Biju D.,
Presently Nursing Sister
ESIC Hospital, Jhilmil, New Delhi
R/o J-43/UG-2, Dilshad Colony
Delhi-110095.
19. Pushpinder Kaur
Age 41 years, Group-B,
W/o Shri Manmohan Singh
Presently Nursing Sister
ESIC Hospital Jhilmil, New Delhi
R/o H.No.33-B, DDA Flat
Satyam Enclave, Jhilmil
Delhi-110095.
20. Jisha Jose
Age 42 years, Group-B,
W/o Shri K.K. Jose
Presently Nursing Sister
ESIC Hospital Jhilmil, New Delhi
R/o 54-F, A-I Pocket
Mayur Vihar Phase-3
Delhi-110096.
21. Siteshwar Mahto
Age 51 years, Group-B,
S/o Mani Nath Mahto
Presently Nursing Sister
ESIC Hospital, Jhilmil, New Delhi

R/o 93, Shivakhand
V.K. Nagar, Jhilmil, Delhi-95

22. Shakuntla Saini
Age 46 years, Group-B,
W/o Shri Sanjay Saini
Presently Nursing Sister
ESIC Hospital Jhilmil, New Delhi
R/o A-28, Street No.10
West Vinod Nagar, Delhi-92.
23. Sushila Solanki
Age 46 years, Group-B,
W/o Shri Bhupesh
Presently Nursing Sister
ESIC Hospital, Jhilmil, New Delhi
R/o 244-A-/2B, Shivaji Street
Pandit Park, Krishna Nagar
Delhi-51.
24. Mamta Sachan
Age 51 years
W/o Shri Vimlesh Sachan
Presently Nursing Sister
ESIC Hospital Jhilmil, New Delhi
R/o C-1/9, MIG, S-1 Dilshad
Ext-II (DLF), Bhopura, GZB UP
25. Jaya Sabu
Age 49 years, Group-B,
W/o Shri Sabu Thomas
Presently Nursing Sister
ESIC Hospital, Jhilmil, New Delhi
R/o B-78/4, Dilshad Colony, Delhi-95.
26. Anusaya Tyagi
Age 48 years
W/o Shri Sunil Tyagi
Presently Nursing Sister
ESIC Hospital Jhilmil, New Delhi
R/o 10A/170, Sector-10
Vasundara, GZB, UP
27. Ambily Gigi Kumar
Age 42 years, Group-B,

W/o Shri Gigikumar K.K.
 Presently Nursing Sister
 ESIC Hospital, Rajai Nagar
 Bangalore
 R/o LF 27/2, Panchdeep Colony
 Nandini Layout, Bangalore-96

28. Mini Sebastian
 Age 40 years, Group-B,
 W/o Shri C.T. Sebastian
 Presently Nursing Sister
 ESIC Hospital Jhilmil, New Delhi
 R/o G-82/F-3, Dilshad Colony
 Delhi-110095. .. Applicants

(By Advocate : Shri Padma Kumar S.)

Versus

1. Union of India,
 Through Secretary
 Ministry of Labour and Employment
 Shram Shakti Bhawan, New Delhi-1.
2. Secretary,
 Department of Expenditure,
 North Block, New Delhi-1.
3. Director General
 ESIC Headquarters
 Panchdeep Bhawan, CIG Marg
 New Delhi-2.
4. Medical Superintendent
 ESI Hospital, Jhilmil
 New Delhi-110095 .. Respondents

ORDER (ORAL)

By Shri V. Ajay Kumar, Member (J)

Heard the learned counsel for the applicants.

2. MA 4237/2018 filed for joining together is allowed.

3. The applicants, who are 28 in number and working as Nursing Sisters under the respondent – ESIC, filed the O.A. seeking the following relief(s):

- “(a) Declare the action of the respondents to have restricted the minimum pay of Rs.12540/- to some of the employees as arbitrary and illegal and quash the impugned order dated 11.01.2018 to extend it did not include the names of the applicants.
- (b) Direct the respondents to fix the pay of the applicants in terms of the law laid down and keeping in view that their pay is not less than Rs.12540 + Rs.4600 Grade Pay as on 01.01.2006.
- (c) Direct the respondents to grant the Applicants the arrears of pay from 1.1.2006 with interest as applicable at government rates thereon.
- (d) Grant any other relief which this Hon'ble Tribunal may be pleased to grant to the applicants under the facts and circumstances of the case.”

4. It is submitted that the subject matter of the O.A. is covered by various decisions of this Tribunal including latest decision of this Tribunal in O.A. No. 3147/2018 (Sneh Lata & Ors. vs. Union of India & Ors.) dated 23.08.2018. It is also submitted that the representations made by the applicants vide Annexure A-7 (Colly.) ventilating their grievances are pending unanswered with the respondents.

5. The learned counsel further submits that recently the Govt. of India has taken a policy decision on the issue and also issued an Office Memorandum dated 28.09.2018 through the Ministry of

Finance, Department of Expenditure in this regard, and the applicants would be satisfied if the O.A. is disposed of by directing the respondents to consider the claim of the applicants, keeping in view the decision of this Tribunal dated 23.08.2018 in O.A. No. 3147/2018 (Sneh Lata & Ors. vs. Union of India & Ors.) as well as Office Memorandum dated 28.09.2018, within a fixed timeframe.

6. In the circumstances, the O.A. is disposed of at the admission stage itself, without going into the merits of the case, by directing the respondents to consider the claim of the applicants, keeping in view the judgment dated 23.08.2018 in O.A. No. 3147/2018 (Sneh Lata & Ors. vs. Union of India & Ors.) as well as Ministry of Finance's Office Memorandum dated 28.09.2018 and to pass appropriate reasoned and speaking orders thereon, in accordance with law, within 90 days from the date of receipt of a certified copy of this order. No order as to costs.

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

(A.K. BISHNOI)
Member (A)

(V. AJAY KUMAR)
Member (J)

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