

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

O.A. No. 3147/2018

M.A. No. 3518/2018

The 23rd day of August, 2018

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)

HON'BLE MR. A.K. BISHNOI, MEMBER (A)

1. Sneh Lata, Group 'B'
Age 46 years
W/o Mr.Yashpal Singh
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o G2/93, 1st Floor, Rohini
Sec 16, Delhi-89.
2. Shanti Baby, Group 'B'
Age 45 years
W/o Shri M.T. Baby
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o A-4/60, 3rd Floor,
Sec 15, Rohini, Delhi.
3. Anita Rani, Group 'B'
Age 48 years
W/o Mr. Sultan Singh
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o B-7/43, Sector-17,
Rohini, N. Delhi-89
4. Lovely Tom, Group 'B'
Age 50 years
W/o Mr. Tom George
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o House No.8, ESI Dispensary
Jwalapuri, New Delhi.

5. Rajesh Kumari, Group 'B'
Age 47 years
W/o Sh. Jai Bhagwan
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o RZ 64, Gopal Nagar, Najafgarh, New Delhi
6. Reetu Soni, Group 'B'
Age 44 years
W/o Sh. Puneet Soni
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o BS-48-C, Shalimar Bagh
Delhi-88.
7. Mariamma Joy, Group 'B'
Age 50 years
W/o Mr. E.R. Joy
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o B-2/III, 2nd Floor, Sec 16
Rohini, New Delhi-89.
8. Anglique M. Johnson, Group 'B'
Age 49 years
W/o Mr. Manoj. M. Johnson
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o A-16, Type II, ESI Colony,
Sec 15, Rohini, New Delhi-89.
9. Leena Benny, Group 'B'
Age 47 years
W/o Mr. Benny Mathew
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o C-4/172, Lawrence Road
New Delhi-110035.

10.Promila David, Group 'B'

Age 52 years

W/o Mr. Wilson S. David

Presently Nursing Sister

ESIC Hospital, Rohini, New Delhi

R/o AW-402, 3rd Floor,

Sai Residency, Rithala, Delhi.

11.Shalet Thomas, Group 'B'

Age 45 years

W/o Mr. Shibu Thomas

Presently Nursing Sister

ESIC Hospital, Rohini, New Delhi

R/o B2/4, 2nd Floor, Sec-1

Rohini, Delhi-110089

12.Manisha Kumari, Group 'B'

Age 45 years

W/o Shri Krishan

Presently Nursing Sister

ESIC Hospital, Rohini, New Delhi

R/o House No.607

Parwa Panna, PO Karala

Delhi-81

13.Ranjana Bharti, Group 'B'

Age 50 years

W/o Sh. Dharmandu Bharti

Presently Nursing Sister

ESIC Hospital, Rohini, New Delhi

R/o G-7/195, Sec 1,

Rohini, New Delhi

14.Meena Peter, Group 'B'

Age 46 years

W/o Late David N. Peter

Presently Nursing Sister

ESIC Hospital, Rohini, New Delhi

R/o G3-232/233, 2nd Floor,
Sec 16, Rohini, New Delhi-89.

15. Usha Rani, Group 'B'

Age 50 years
D/o Shri Anand Dev
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o House No.418, Pocket 9,
Sec 21, Rohini, Delhi-86.

16. Manju Verma, Group 'B'

Age 47 years
W/o Tej Prakash
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o 536, Bawana, Delhi-39.

17. Jayalakshmi Vinod, Group 'B'

Age 41 years
W/o Vinod K.V.
Presently Senior Staff Nurse
ESIC Hospital, Rohini, New Delhi
R/o Flat 238, Pocket 6/I, Sec 2,
Sec 16, Rohini, New Delhi-85.

18. Sunita Rathi Group 'B'

Age 43 years
W/o Mr. Devender Singh Rathi
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o B4, Type II, ESIH Colony,
Rohini, Sec-15, New Delhi.

19. Shimny Chacko, Group 'B'

Age 45 years
W/o Mr. P.P. Chacko
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi

R/o 22, Ground Floor, I-5, Sec 16
Rohini, Sector 89.

20. Mini Singh, Group 'B'

Age 41 years
W/o Ajay Kumar Singh
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o H.No.-217, 218, Pocket-20,
Sec-24, Rohini.

21. Sunita Rani, Group 'B'

Age 47 years
W/o Mahavir Singh
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o Type 4/Quarter No.4, ESI Colony,
Rohini, Sector-15, New Delhi.

22. Betti Shaji, Group 'B'

Age 51 years
W/o Shaji C. Alex
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o A/60, Pocket 4, Sector 15,
Rohini.

23. Shashi Bala Ranjan Group 'B'

Age 46 years
W/o Pankaj Rangan
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o A 414, SF, Rohini, Delhi.

24. Kanta Devi, Group 'B'

Age 48 years
W/o Shri Dharamveer Singh
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi

R/o B-5, Type-II, ESIH Colony,
Sec 15, Rohini, New Delhi-89.

25.Monika Kapoor, Group 'B'

Age 40 years

W/o Mr. Pawan Kumar Kapoor

Presently Nursing Sister

ESIC Hospital, Rohini, New Delhi

R/o H.No-37, G-4, Sec 15, Rohini,
Delhi.

26.Promila Thomas, Group 'B'

Age 49 years

W/o Mr. Loveleen Thomas

Presently Nursing Sister

ESIC Hospital, Rohini, New Delhi

R/o Flat No.116-A-1 Pocket,
Sec 16, Rohini.

27.Rekha Sharma, Group 'B'

Age 44 years

W/o Sandeep Sharma

Presently Nursing Sister

ESIC Hospital, Rohini, New Delhi

R/o D-3/85, G.F., Sec 16,
Rohini, New Delhi.

28.Romilla Masih, Group 'B'

Age 52 years

W/o Ajay Masih

Presently Nursing Sister

ESIC Hospital, Rohini, New Delhi

R/o H.No. 192, Pokcket-8B, Sec-3,
Rohini, New Delhi.

29.Sudesh Kumar, Group 'B'

Age 47 years

W/o Mr. Love Kumar

Presently Nursing Sister

ESIC Hospital, Rohini, New Delhi
R/o WZ 1045, 1st Floor,
Rani Bagh, Delhi.

30. Manjinder Kaur, Group 'B'

Age 60 years
W/o S. Udham Singh
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o G3-232/233, Sec 16,
Rohini, New Delhi-89.

31. Sangeeta P. Shah, Group 'B'

Age 48 years
W/o Pradeep Singh
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o F-2/201, Sec 16, Rohini, New Delhi-89.

32. Asha Nirwan, Group 'B'

Age 44 years
W/o Mr. Sanjay Nirwan
Presently Nursing Sister
ESIC Hospital, Rohini, New Delhi
R/o I-2/47, 1st Floor, Sec 16,
Rohini, New Delhi-85.

.. 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
 Rohini, New Delhi-85.

.. Respondents

(By Advocate : Shri Ranjan Tyagi)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard Shri Padma Kumar S., learned counsel for the applicants and Shri Ranjan Tyagi, learned counsel appeared on behalf of the respondents, on receipt of advance notice.

2. MA 3518/2018 filed for joining together is allowed.

3. The applicants 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 11.1.2018 (Annexure A-1) to the extent 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 applicants made number of representations vide Annexure A-7 (colly.) ventilating their grievances to the respondents. However, no orders have been passed thereon till date.

5. 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 Annexure A-7 (colly.) representations of the applicants, keeping in view the various judgments filed along with the O.A., more particularly, orders of this Tribunal in O.A. No. 3679/2012 – Sheeja Santosh and Ors. vs. ESIC & Ors., dated 07.05.2014 (Annexure A-3), Hon'ble Apex Court judgment in Diary No. 23663/2017 dated 01.09.2017 in **Government of NCT of Delhi & Anr. vs. Somvir Rana (TGT Eng) & Ors.** (Annexure A-5) and in WPC No.8922/2017 dated 17.01.2018 in **Adhyapak Shakti Manch, Delhi vs. Govt. of N.C.T. of Delhi and Anr.** by the Hon'ble High Court of Delhi (Annexure A-6), 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. If the respondents find that the applicants are identically placed like the

applicants in Sheeja Santosh & Ors. (supra), the respondents shall extend the same benefits to them. 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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