

OA.No.170/00105/2017/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00105/2017

DATED THIS THE 13TH DAY OF AUGUST, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C V SANKAR, MEMBER (A)

1. Smt Shobha M. Varambally,
W/o Manjunath Varambally,
Aged 50 years,
B.0125, Senior Technician,
Neuropathology,
NIMHANS, Hosur Road,
Bangalore-560 029.
#26/6, Marenahalli Extension,
2nd Main, Vijayanagar, Bengaluru-560040.

2. Mr. A. Dominic Xavier Mani,
S/o A . Arul Doss,
Aged about 51 years,

BO 131, Junior Technician,
Neuromicrobiology, NIMHANS,
Hosur Road, Bangalore-560 029.
#14, 1 st Cross, CMR Layout,
Challekere, Kalyanagar post,
Bengaluru-560 043.

3. Smt Leelavathy.G,
W/o. Sri M. Ramachandra Reddy,
Aged 55 years,
BO 132, Junior Technician, CPH,
Neuromicrobiology, NIMHANS,
Hosur Road, Bangalore-560 029.
No.150, 1st Main, 7th Block,
Koramangala,
Bengaluru-560 095.

4. Mr. J. Shailendra Paul,
S/o M. John Deva Priya,
Aged 51 years,
BO 135, Junior Technician,
Neuromicrobiology, NIMHANS,
Hosur Road, Bangalore-560 029.
#76, Type 3, Block 13,
NIMHANS Quarters,
Byrasandra Campus,
Jayanagar,
Bengaluru-560 011.

5. Mrs. R. Monalatha,
W/o Jonas Jeyasurian,
Aged 54 years,
BO 134, Junior Technician,
Neuropharmacology, NIMHANS,
Hosur Road, Bangalore-560 029.
#30, 7 th Cross, Nanjappa Layout,
Vidyaranyapura,
Bengaluru-560 097.

6. Mrs. S. Prema Kumari,
D/o B. Sabapathy Devadas,
Aged 59 years,
BO 136, Junior Technician,
Neurochemistry, NIMHANS,
Hosur Road, Bangalore-560 029.
#2, 8 th Cross, Jyothinagar,
Bengaluru-560 017.

7. Sri L. Mahadeva,
S/o Lingaiah,
Aged 55 years,
BO 138, Junior Technician,
Neurochemistry, NIMHANS,
Hosur Road, Bangalore-560 029.
#413, 10 th Main,
Devaraj Urs Nagar,

Bengaluru-560 026.

8. Smt. S.J. Kamala,
W/o B.R. Radhakrishna,
Aged 51 years,
BO139, Junior Technician,
Neurovirology, NIMHANS,
Hosur Road, Bangalore-560 029.
#3, Type 3 Block 1,
Byrasandra Campus,
NIMHANS Quarters,
Bengaluru-560 011.

9. Smt. H.N. Uma,
W/o Manjunath C.V,
Aged 54 years,
BO140, Junior Technician,
Neuro Microbiology, NIMHANS,
Hosur Road, Bangalore-560 029.
#41, Type 3 Block 1,
Byrasandra Campus,
NIMHANS Quarters,
Bengaluru-560 011.

10. Ms. A.R. Nagenna Parveen,
W/o I.R. Shareef,
Aged 50 years,
BO141, Junior Technician,

Neuro Pathology, NIMHANS,
Hosur Road, Bangalore-560 029.
#274, 7 th Cross, 26 th Main,
EWS Colony, BTM Layout,
2 nd Stage, Bengaluru-560 079.

11. Mr. M.R. Mahesh,
S/o M.K. Ramachandra,
Aged 46 years,
BO 172, Junior Technician,
TMC&H, NIMHANS,
Hosur Road, Bangalore-560 029.
1/6, Shubhakari Mandala Mane,
Nanjappa Layout, Arakere,
B.G. Road, Bengaluru-560 076.

12. Sri Satishkumar. D,
S/o Late N. Desingh Rajan,
Aged 43 years,
BO 192, Junior Technician,
Neuro Pathology, NIMHANS,
Hosur Road, Bengaluru -560 029.
#416, 4 th E Main, 2 nd Block,
Kalayan Nagar, HRBR Layout,
Bengaluru-560 043.

13. Shri Ramesh G.,
S/o Gopal H.,

Aged 45 years,
BO 191, Junior Technician,
Neuro Pathology, NIMHANS,
Hosur Road, Bangalore-560 029.
No.1461, A Block, AECS Layout,
13 th Cross, Singasandra,
Bengaluru-560 068.

14. Sri K.N. Srinivas,
S/o K.T. Nanjappa,
Aged 47 years,
BO 204, Junior Technician,
Neurochemistry, NIMHANS,
Hosur Road, Bangalore-560 029.
4, F 6, Gajanana Apartment,
NHCS Layout, Vijayanagar,
Bengaluru-560 040.

15. Sri Mahesh,
S/o N. Venkatachar,
Aged 45 years,
BO 205, Junior Technician,
Neuro Virology, NIMHANS,
Hosur Road, Bangalore-560 029.
#262, 4 th Main, 16 th Cross,
J.P. Nagar, 4 th Phase,
Bengaluru-560 078.

16. Sri Mahanteshaiah,
S/o Rajanna,
Aged 46 years,
BO 229, Junior Technician,
TMC&H, NIMHANS,
Hosur Road, Bangalore-560 029.
#12, Type 2 Block 2,
NIMHANS Quarters,
Byrasandra Campus,
Bengaluru-560 011.

17. Sri N. Shivanna,
S/o Narase Gowda,
Aged 45 years,
BO 224, Junior Technician,
TMC&H, NIMHANS,
Hosur Road, Bangalore-560 029.
#40, Type 3 Block 7,
NIMHANS Quarters,
Byrasandra Campus,
Bengaluru-560 011.

18. Sri H. Chandrakanth,
S/o Late Hanumanthappa,
Aged 46 years,
BO 230, Junior Technician,
Neuro Chemistry, NIMHANS,
Hosur Road, Bangalore-560 029.

#803, 4 th Main, A Block,
2 nd Stage,
Rajajinagar,
Bengaluru-560 010.

19. Sri J. Vivekanand,
S/o R. Jayachandran,
Aged 42 years,
BO 228, Junior Technician,
TMC&H, NIMHANS,
Hosur Road, Bengaluru -560 029.
#5, Annapoorneswari Layout,
Veerabhadranagar, Opp. PES College,
BSK 3 rd Stage, Bengaluru-560 085.

20. Sri Jagadeesh S. Math,
S/o S.B. Mathpathi,
Aged 42 years,
BO 232, Junior Technician,
TMC&H, NIMHANS,
Hosur Road, Bangalore-560 029.
#581, 2 nd Main Road,
Annapoorneswari Nagar,
Bengaluru-560 091.

21. Sri A.K. Nagabhushana Rao,
S/o late S. Krishnappa,
Aged 48 years,

D 0018, Junior Technician,
De addiction centre, NIMHANS,
Hosur Road, Bangalore-560 029.
#2700/11, 7 th B Main,
Near Bapujinagar Railway gate,
Hampinagar, Vijayanagar 2 nd Stage,
Bengaluru-560 040.

22. Smt Bharathi J.C.,
D/o Channegowda,
Aged 46 years,
D 0075, Junior Technician,
De addiction centre, NIMHANS,
Hosur Road, Bangalore-560 029.
#8 & 9, Eshwari Nilaya,
Near St. Anthony School,
Canara Bank Layout,
Opp. to Manavi Meadows,
Jigani Kappa Main Road,
Yelanahalli, Bengaluru-560 068.

23. Sri C.B. Basavaraju,
S/o Late Basave Gowda,
Aged 44 years,
BO 263, Junior Technician,
Neuro Microbiology, NIMHANS,
Hosur Road, Bangalore-560 029.
#47, Type 2 Block 8,

Byrasandra Campus,
NIMHANS Quarters,
Bengaluru-560 011.
24. Smt Vishalakshi,
W/o M. Ramachandra,
Aged 40 years,
BO 266, Junior Technician,
Biophysics, NIMHANS,
Hosur Road, Bangalore-560 029.
#33/1, 6 th Main, 6 th Cross,
S.R. Nagar, Bengaluru-560 027.

25. Sri K.S. Yogeesh,
S/o K.R. Siddappa,
Aged 39 years,
BO 281, Junior Technician,
CARF, NIMHANS,
Hosur Road, Bangalore-560 029.
#100, Kukkanahalli Rly
Gollahalli Post,
Nelamangala Via Dasanapura Hobli,
Bengaluru-562 123.

26. Sri C.B. Shivaraju,
S/o Basavaraju,
Aged 40 years,
BO 282, Junior Technician,
Neuro Pathology, NIMHANS,

Hosur Road, Bangalore-560 029.

#24, Type 2, Block 4, Byrasandra Campus,
NIMHANS Quarters, Bengaluru-560 011.

27. Sri V.K. Prasanna,
S/o late K. Kenchegowda,
Aged 41 years,
BO 283, Junior Technician,
Neuro Physiology, NIMHANS,
Hosur Road, Bangalore-560 029.

#37, Block 7, Type 2
Byrasandra Campus,
NIMHANS Quarters,
Bengaluru-560 011.

28. Smt T. Sujatha,
D/o. G. Thippeswamy,
Aged 40 years,
BO 284, Junior Technician,
Neuro Microbiology, NIMHANS,
Hosur Road, Bangalore-560 029.
#9, 12 th A Cross, Sir M.V. Layout,
Thindlu Village, Vidyaranyapura,
Bengaluru-560 097.

29. Sri C.S. Somaraju,
S/o late Shambulinge Gowda,

Aged 41 years,
BO 301, Junior Technician,
Neuro Chemistry, NIMHANS,
Hosur Road, Bangalore-560 029.
#5, 5 th right cross, Shivanandappa Layout,
Jnanajyothinagar,
Ullal Main Road,
Bengaluru-560 056.

30. Sri R.M. Kyalkond,
S/o M.R. Kyalkond,
Aged 48 years,
BO 302, Junior Technician,
TMC&H, NIMHANS,
Hosur Road, Bangalore-560 029.
#272, 10 th Cross, Narasipura,
Vidyaranyapura, Bengaluru-560 097.

31. Smt.S.Gayathri Devi
W/o P R.Govinda Prasad
Aged 41 years
BO 303, Junior Technician
Neuro Virology, NIMHANS,
Hosur Road, Bengaluru 560 029
#33, Type 2, Block 6
NIMHANS Qaurters,
Byrasandra Campus,
Bengaluru 560 011.

32. Mr.Zakeer Hussain

S/o Abdul Nazeer Sab

Aged 37 years

BO 304, Junior Technician

Neuro Chemistry, NIMHANS,

Hosur Road, Bengaluru 560 029.

#95, Type 2, Block 16, Byrasandra,

Campus, NIMHANS Quarters,

Bengaluru – 560 011.

33. Sri.Raghavendrachari

S/o Eswarachar

Aged 37 years,

BO 305, Junior Technician

TMC&H, NIMHANS,

Hosur Road, Bengaluru 560 029

#69, Type 2, Block 12,

NIMHANS Quarters,

Bengaluru 560011.

34. R.Harish Kumar

S/o.Raj Gopal

Aged 38 years,

Bo 306, Junior Technician

Neuro Microbiology, NIMHANS,

Hosur Road, Bengaluru 560 029

#40, Type 2, Block 7, Byrasandra,

Campus, NIMHANS Quarters,
Bengaluru 560 011.

35. Smt.N.B.Roopa
W/o Deepak B.R
Aged 36 years,
BO 307, Junior Technician
Neuro Chemistry, NIMHANS,
Hosur Road, Bengaluru 560 029
#20, Srinivasa Nilaya
1 st Main, 2 nd Cross, New Kempe
Gowda Layout, Kathriguppe,
BSK 3 rd Stage,
Bengaluru – 560 085.

36. Smt.V.Radha,
D/o. Varadaraju,
Aged 39 years,
BO 308, Junior Technician
TMC&H, NIMHANS,
Hosur Road, Bengaluru 560 029
#208, 9 th Cross, Maruthi
Nagar, Nagashettyhalli,
Bengaluru – 560 094.

37. Sri.M.Basavaraja,
S/o Obanna,
Aged 35 years,

BO 309, Technician

Neuro Chemistry, NIMHANS,

Hosur Road, Bengaluru 560 029

#20, Type 2, Block 4, Byrasandra,

Campus, NIMHANS Quarters,

Bengaluru – 560011.

38. Ms.P.Jenitha

D/o Pakyaraj

Aged 35 years,

BO 315, Junior Technician

Neuro Microbiology, NIMHANS,

Hosur Road, Bengaluru 560 029

#18, Type 2, Block 8, B.R.C

Campus, NIMHANS Quarters,

Bengaluru – 560 011.

39. Mr.Muzamil Kamal Pasha,

S/o.Ahmed Shariff, Aged 39 years,

BO 316, Junior Technician

TMC&H, NIMHANS

Hosur Road, Bengaluru 560 029

#62, Type 2, Block 11, Byrasandra

Campus, NIMHANS Quarters,

Bengaluru 560011.

40. Sri.S.P.Pradeep,

S/o.Srinivas, Aged 36 years,

BO 317, Junior Technician,
Neuro Microbiology, NIMHANS,
Hosur Road, Bengaluru 560029
#23, Type 2, Block 4, Byrasandra
Campus, NIMHANS Quarters,
Bengaluru 560011.

41. Smt.K.Uma,
W/o B.T.Sashi Kumar,
Aged 31 years,
BO 318, Junior Technician,
Neuro Chemistry, NIMHANS,
Hosur Road, Bengaluru 560 029.
#87, Type 2 Block 15,
Byrasandra Campus,
NIMHANS Quarters,
Bengaluru – 560 011.

42. Smt.V.Rajasakthi,
W/o Chetan
Aged 33 years,
BO 327, Junior Technician
Neuro Pathology, NIMHANS,
Hosur Road, Bengaluru 560 029.
#6, Block 11, Type 2, Byrasandra
Campus, NIMHANS Quarters,
Bengaluru 560011.

43. NIMHANS Employees Welfare

Association (Regd).,

NIMHANS, Hosur Road,

Bengaluru – 560 029

Represented by its General Secretary

M.P.Nagaraj, S/o.M.P.Purttaswamy,

Aged 46 years, D.547 DPNR,

R/o. No.3/3 8 th Main 17 th Cross,

S.R.Nagar Bangalore – 560 027.

...Applicants

(By Advocate Shri.M. Narayana Bhat)

Vs.

1. The Union of India,

Represented by its Secretary,

Department of Health and Family Welfare,

Nirmana Bhavan,

New Delhi – 110 008.

2. The Union of India,

Represented by its Secretary,

Department of Finance (Expenditure),

Nirmana Bhavan,

New Delhi – 110 008.

3. National Institute of Mental Health,

& Neuro Sciences,

Hosur Road,
Bengaluru – 560 029
Represented by its Registrar.

4. The Director,
National Institute of Mental Health,
& Neuro Sciences,
Hosur Road,
Bengaluru – 560 029.

.....Respondents

(By Shri M.V. Rao, Counsel for Respondent No. 1 & 2 and
Shri K. Prabhakar Rao, Counsel for Respondent No. 3 & 4)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

Shri K. Prabhakar Rao, learned counsel for NIMHANS, would submit that in principle the benefit had been granted but the NIMHANS, since they have found that the Governing Body has not endorsed the decision of the Union Government formally, granted it only prospectively in the interregnum. Now apparently, since the Union Government is the controlling authority of this institution also under Article 12, whatever the Union Government decides it will be final for all institutions under its control. If the Union Government had decided that a particular date to be applicable across the board then whether or not the Governing Body has not yet decided it will be taken as following the

concept issued by the Union of India and none other. If at all the Governing Body takes a decision later on also, it will date back to the original order of the Government decision and not to the fresh decision as per the convening of the meeting of the Governing Body of the respondents. This is made clear and a declaration issued. At this point of time Shri K. Prabhakar Rao, learned counsel for NIMHANS, submits that the cut off date was 01.01.2016. Therefore it is declared that the applicants will be eligible for the benefits from 01.01.2016.

2. The OA is allowed. No order as to costs.

(C V SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00105/2017

Annexure A1 Copy of the statement containing particulars of the applicants

Annexure A 2 Copy of comparative statement containing the educational qualification and pay scales in NIMHANS and PGI Chandigarh

Annexure A 3 Copy of the amended Recruitment Rules dated 18.08.2017

Annexure A4 Copy of the order in O.A. No. 2660/2012 dated 11.10.2013

Annexure A5 Copy of the order extending the benefits as ordered in O.A. No. 2660/2012

Annexure A6 Copy of the communication dated 12.07.2011 to the JMLTs in PGI Chandigarh

Annexure A7 Copy of the order in O.A. No. 790/2015 dated 12.04.2016

Annexure A 8 Copy of the recommendations made by NIMHANS for extending the Pay Band 2 with GP Rs. 4200

Annexure A 9 Copy of the letter dated 20.12.2013

Annexure A 10 Copy of the communication dated 29.08.2016

Annexure A 11 Copy of the circular issued by NIMHANS dated 17.09.2016

Annexures with reply statement

Annexure R1 Copy of Ministry of Finance letter dated 30.05.2016

Annexures with rejoinder

Annexure A 12 Copy of the order dated 13.12.2017 in O.A. No. 4406/2017 of Central Administrative Tribunal, Principal Bench

Annexure A 13 Copy of the order dated 21.02.2018 by the Ministry of Health and Family Welfare

Annexure A 14 Copy of the memorandum dated 02.04.2016

Annexure A 15 Copy of the memorandum dated 17.05.2016

Annexures with memo for production of documents

Annexure A 16 Copy of the letter dated 05.04.2018

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