

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01071/2018

Chandigarh, this the 7th day of September, 2018

...
**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

...
Malkiyat Kaur aged about 34 years w/o Sh. Amandeep Singh r/o 244, near Baba Badri Nath Mandir, Backside Bhagat Singh Colony, Ferozepur (rural), Ferozepur, Ferozepur City, Punjab – 152002. Group C

....**Applicant**
(Present: Mr. Mukesh Mehra & Mr. Vipul Sachdeva, Advocates)

Versus

1. Union of India through its Director General, Employees State Insurance Corporation, Panchdeep Bhawan, C.I.G. Road, New Delhi -110002.
2. The Deputy Director (Admn.), Employees State Insurance Corporation, Bharat Nagar Chowk, Ludhiana – 141002.
3. The Medical Superintendent, ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana- 141002.

Respondents

.....
(Present: Mr. K.K. Thakur, Advocate)

ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)

1. By way of the present O.A., the applicant has challenged the order dated 30.08.2018 (Annexure A-3), whereby her request for grant of benefit of pay scale under pay band 5200-20200 + G.P. 2400/-, arising out of order dated 06.12.2016 in the case of

Teekaram Meena & Others Vs. Union of India & Others (O.A. No. 291/00645/2015), passed by the Jaipur Bench of Central Administrative Tribunal, has been rejected, on the ground that she was not party to the said case.

2. Learned counsel, at the very outset, submitted that the applicant would be satisfied if a direction is issued to the

respondents to re-consider her claim in the light of the relied upon case and take a view in the matter, within a stipulated period.

Notice.

3. On our asking, Mr. K.K. Thakur, Advocate, who is present in Court, accepts notice. He does not object to the disposal of the O.A. in the proposed manner.

4. After a perusal of the impugned order (Annexure A-3), it is apparent that the respondents have not examined the case of the applicant for grant of the relevant benefit, in the light of the principle laid down in the relied upon case, and straightway rejected it on the ground of her being not a party to the indicated case, which is not permissible under law, as held by the Hon'ble Jurisdictional High Court in CWP No. 4382/2002 titled **Satbir Singh & Others vs. State of Haryana & Others**, decided on 21.03.2002 that similarly situated persons should be given similar treatment and not be compelled to approach the Court for similar relief. Therefore, the impugned order (Annexure A-3), being not sustainable in the eyes of law, is set aside. The respondents are directed to re-consider the claim of the applicant, for grant of pay scale of Rs. 4000-6000 and corresponding pay band of Rs.5200-20200 with grade pay of Rs. 2400/-, in the light of relied upon case. It is further directed that if upon consideration, the applicant is found similarly situated to the applicants in the relied upon case, she may be extended the similar benefit, otherwise a reasoned and speaking order be passed, on her claim, with a copy to her. The needful be done as expeditiously as possible, but, in any case, not later than a period of three months.

5. Needless to mention, we have not expressed any opinion on the merits of the case, and the respondents are free to take an independent view, on the claim of the applicant, in view of the relied upon judgment.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 07.09.2018

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