

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01199/2018

Chandigarh, this the 16th day of October, 2018

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

...

1. Mangat Singh age 28 years son of Gurmail Singh, residence of 23 ST-1, Old sunder Nagar Mundila Kala, Ludhiana – 141001.
2. Ashish Kumar Sharma, age 30, S/o Rattan Lal Sharma, R/o Q. No. 5/1 ESIC colony Bharat Nagar Chowk, Ludhiana – 141001.
3. Harvinder Singh, age 29, S/o Jasbir Singh VPO Ayali Kalan, Ludhiana – 141001.
4. Jolly Masih age 31 w/o Mangat Singh, House No. 23 St 01 Old Sunder Nagar, Mundiana Kalan, Ludhiana – 141001.
5. Gurdial Singh age 53 son of Late Sh. Jopginder Singh VPO Nikuu Nangal, Tehsil Nangal Distt Ropar Punjab- 141001.
6. Anil Kumar age 34 son of Sh. Ram Dev Quarter No. 16/1 ESIC Model Hospital Colony Bharat Nagar Chowk Ludhiana 141001
7. Manmeet Singh age 35 son of Sh. Sawaarn Singh, Quarter No. 7/1 ESIC colony ESIC Hospital, Near Bharat Nagar Chowk Ludhiana – 141001.
(All Group C Employees)

....Applicants

(Present: Mr. Anuj Balian, Advocate)

Versus

1. Union of India through its Secretary of Health and Family Welfare, Nirman Bhawan, New Delhi -110001.
2. Director General Health Services, Nirman Bhawan, New Delhi -110001.
3. Secretary, Department of Expenditure, Ministry of Finance, North Block, New Delhi – 110001.
4. Director General ESI Corporation, Ranchdeep Bhawan, Kotla Road, New Delhi – 110001.
5. Medical Superintendent, ESIC, Model Hospital Bharat Nagar Chowk, Ludhiana – 141001.

..... Respondents

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

**ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)**

1. By way of the present O.A., the applicants have assailed the order dated 25.09.2018 (Annexure P-2), whereby their request for grant of grade pay of Rs.2400/-, has been rejected. They pray for a

direction to the respondents to grant them grade pay of Rs.2400/-, as has been allowed to the OT Assistant/CSSD/CSR Assistant/Plaster Assistants and Laboratory Assistants are getting in Central Government Departments and in the department of the respondents.

2. Learned counsel submitted the issue involved herein has already been put to rest by the Principal Bench of this Tribunal in O.A. No. 2995/2014 titled **Dharambir Singh Ranga & Others Vs. Director General ESIC & Others**, filed by the similarly situated persons like the applicants herein. Learned counsel further submitted that after the aforesaid decision of the Principal Bench, CAT New Delhi, the applicants represented to the respondents, while relying upon the ratio settled by the Court of law in the indicated judgment, to extend them the similar benefits, being similarly circumstanced. However, their request has been turned down on the ground that they were not party to that case and the benefit has been granted only to the persons who approached the Court of Law. Learned counsel argued that the view taken by the respondents is in violation of the mandate given by the Court of Law that the benefit of a judgment should be extended to all similarly situated employees like the applicant(s) therein, without compelling them to move to the Court for similar benefits. Learned counsel prays that the respondents be directed to re-consider the case of the applicants in the light of the indicated judgment.

3. Learned counsel for the respondents did not deny the factual position and was not able to cite any judgment upsetting the order indicated hereinabove. He, however, added that the decision of the Principal Bench of the Tribunal in the case of Dharambir Singh

Ranga (supra), though has been challenged in the Hon'ble Delhi High Court, but no stay has been granted in that case.

4. In the wake of the afore mentioned facts and law position, we remit the case back to the respondents to re-consider the case of the applicants, who are working as OT Assistant, for grant of grade pay of Rs.2400/- at par with the applicants in the relied upon case. It is further directed that if, on such consideration, the applicants are found similarly situated like the applicants in the relied upon case, they be granted similar benefits, otherwise a reasoned and speaking order be passed on their claim. Let the needful be done within a period of three months from the date of receipt of a copy of this order.

The O.A. stands disposed of accordingly.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 16.10.2018

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Mr. Brijendra Singh