

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

**MA No.060/1687/2018 &
O.A.NO. 060/01312/2018 Date of order:- 31.10.2018.**

Coram: **Hon'ble Mr. Sanjeev Kaushik, Member (J)**
Hon'ble Mrs.P.Gopinath, Member (A).

1. PGI Employees Union (non faculty) (Regd. & Recognised) Post Graduate Institute of Medical Education & Research, Sector 12, Chandigarh-160012 through its President Ashwani Kumar Munjal
2. PGI Medical Technologists Association Chandigarh Post Graduate Institute of Medical Education & Research, Sector 12, Chandigarh-160012 through its General Secretary Ashwani Kumar Munjal.
3. Parvinder Singh, son of Sh. Bhag Singh, Junior Engineer (Civil) Department of Engineering & Planning, Post Graduate Institute of Medical Education & Research, Chandigarh.
4. Dinesh Kumar son of Bindeshwari Prasad, Senior Technician (X-rays), Department of Radio diagnosis & Imaging, Post Graduate Institute of Medical Education & Research, Chandigarh.

.....Applicants.

(By Mr. Ashwani Kumar, applicant no.1)

Versus

1. Post Graduate Institute of Medical Education & Research, Sector 12, Chandigarh-160012 through its Director.
2. Union of India through Secretary, Department of Expenditure, Ministry of Finance, North Block, New Delhi-110 001.

...Respondents

ORDER (Oral).

Sanjeev Kaushik, Member (J):

MA NO.063/01687/2018 is allowed and the applicants are permitted to file a joint petition.

2. The present OA has been filed by the PGI Employees Union (non faculty) of Post Graduate Institute of Medical Education & Research, Sector 12, Chandigarh, and by PGI Medical Technologists Association Chandigarh, of the same very Institute and by two other applicants, seeking the following relief:-

"i) That the respondent Institute may be directed to fix the initial pay of members of applicants including applicant no. 3 and 4 drawing pay scale of Rs.5000-8000 and Rs.5500-9000 upgraded to Rs.6500-10500 plus Grade pay of Rs.4200 by multiplying the actual basic pay or by treating the minimum 'existing pay' as Rs.6500, whichever is more, with factor of 1.86 w.e.f. 1.1.2006 under the provisions of Rule 7 read with Note 2 A as decided by Hon'ble Courts and release difference of arrears of pay and allowances from 1.1.2006;

ii) That the respondent Institute may further be directed to fix the initial pay of members of applicants drawing pay and drawing pay scale of Rs.6500-10500 upgraded to pay scale of Rs.7450-11500 plus GP Rs.4600 by multiplying the actual basic pay or by treating the minimum 'existing pay' as Rs.7450, whichever is more, with factor of 1.86 w.e.f. 1.1.2006 under the provisions of Rule 7 read with Note 2 A as decided by Hon'ble Courts and release difference of arrears of pay and allowances from 1.1.2006;

iii) That in the alternate the respondent no.2 may kindly be directed to decide the representations dated 23.4.2018 (Annexure A-7) and dated 14.6.06.2018 (Annexure A-8) in the light of judgment in All India Naval Clerks Association (supra) and catena of judgments referred to in the representation dated 23.4.2018;

iv) That the damages, compensation and costs be imposed against respondents and awarded in favour of the applicant for causing undue harassment, mental torture and waste of time by using and misusing their power and authority".

3. Shri Ashwani Munjal, who is President of the above noted Association, appearing in person, states that the applicant submitted representations dated 23.4.2018/14.6.2018 for the relief prayed in the present OA, but the same has not been answered by the respondents till date. Therefore, he made a statement before us

that applicants will be satisfied if the present OA is disposed of with a direction to the respondents to decide the pending representations, by passing a speaking and reasoned order, in a time bound manner.

4. Accordingly, we dispose of the present OA in limine, with a direction to the respondents to consider and decide the representation dated 23.4.2018/14.6.2018, by passing a reasoned and speaking order in accordance with rules, within a period of two months from the date of receipt of certified copy of this order. Order so passed be duly communicated to the applicants.

5. Needless to say that the disposal of OA may not be construed as an expression of any opinion on merits of the case.

(SANJEEV KAUSHIK)
MEMBER (J)

(P.GOPINATH)
MEMBER (A).

Dated:-31.10.2018.
Kks