

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O. A. No.60/187/2018

Date of decision: 17.02.2018

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

Pardeep Kumar S/o Sh. Subhash Chandrashri, Plaster Assistant at ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana. Post:-Group-C R/o # 8/1 ESIC Hospital Bharat Nagar Ludhiana 141001, aged 27 years.

**... APPLICANT
VERSUS**

1. Union of India through its Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi-110001.
2. Director General Health Services (DGHS), Nirman Bhawan, New Delhi-110001.
3. Secretary, Department of Expenditure, Ministry of Finance, North Block, New Delhi-100001.
4. Director General ESI Corporation, Panchdeep Bhawan, Kotla Road, New Delhi-110001.
5. Medical Superintendent, ESIC, Model Hospital, Bharat Nagar Chowk, Ludhiana-141001.

... RESPONDENTS

PRESENT: Ms. Savita Bhandari, counsel for the applicant.

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed wherein applicant seeks following reliefs:-

"8(i) Allow this OA and respondents be directed to take the revised Scales of 5th CPC resolved and notified on 30.09.1997 and 06.10.1997 and apply the same for Plaster Assistant post as per decided law and upgrade made under 6th CPC.

(ii) Plaster Assistant falling u/ S. No.XXII category other Technician be considered as entitled to grade pay of Rs.2400/- in pay scale of Rs.5200-20200 of 6th CPC w.e.f. 01.1.2006, which has been taking its

trail from revised 5th CPC scale of Rs.4000-6000 granted to all other Technicians.

(iii) May kindly direct the respondent to grant the Applicant/Plaster Assistant Grade pay of Rs.2400/- at scale Rs.5200-20200 at PB-1 of Level 4, even since his promotion as O.T. Assistant from dated 28.12.2015 and Plaster Assistant since 22.01.2016.

(iv) With consequent relief of further revised scale of 7th CPC applicable to his category.

(v) With consequential benefits with arrears of salary with interest and cost of litigation may kindly be granted in favour of the applicant."

2. On the commencement of hearing, learned counsel for the applicant very fairly submitted that before approaching this Court, the applicant has already submitted representation for grant of same very relief as claimed in this O.A. based upon the judicial pronouncement in the case of **Mahesh Chand Paliwal & Ors. vs. UOI & Ors.** (O.A. No.2170/2012) decided on 03.12.2013 and subsequently in the case of **Brham Pal & Ors. Vs. UOI & Ors.** (O.A. No.3227/2011) decided on 19.12.2013 where the category of the applicant has been held entitled to the benefit. Therefore, she made a statement at the Bar that applicant will be satisfied if direction is issued to the respondents to decide his representation by passing a reasoned and speaking order.

3. Considering short prayer of the applicant coupled with the fact that his representation is pending unanswered, therefore, we dispose of this O.A. in limine with a direction to competent authority amongst the respondents to decide the representation of the applicant by passing a reasoned and speaking order in accordance with law within a period of 2 months from the date of receipt of a certified copy of this order. While doing so, they will also consider the ratio of law laid down by the Principal Bench of the Tribunal in the aforesaid two cases relied upon by the applicant. If the applicant is held entitled, then the

benefit be extended in his favour, otherwise a reasoned and speaking order be passed and the same be communicated to him. If applicant is held entitled, then he will be given notional benefit from the date the same was made available to other similarly placed persons and actual benefit be given from the date of representation i.e. from 18.10.2017.

4. Disposal of the OA in the above terms shall not be construed as an opinion on the merit of this case.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 17.02.2018.

Place: Chandigarh.

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