

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

**O. A. No.60/190/2018
M.A. No.60/254/2018**

Date of decision: 17.02.2018

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

1. Sh. Harpreet Singh, S/o Sh. Mangal Singh
CSSD Assistant. Post:-Group-C
ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana.
Age 33 years
R/o VPO-Vassian Bet the Jagraon Distt. Ludhiana 141110.
2. Sh. Pankaj Kumar aged 30 years, S/o Sh. Ashok Kumar
CSSD Assistant. Post:-Group-C
ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana.
R/o #3/1 ESIC Hospital Colony, Bharat Nagar, Ludhiana-141001.
3. Sh. Amresh Kumar S/o Jagdishwar Singh,
CSSD Assistant. Post:-Group-C
ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana.
Age 32 years
R/o #32/2, ESIC Hospital Colony, Bharat Nagar, Ludhiana-141001.
4. Sh. Rishi Kumar S/o Sh. Nand Lal.
CSSD Assistant. Post:-Group-C
ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana.
Age 37 years
R/o #11/1 ESIC Hospital Colony, Bharat Nagar, Ludhiana-141001.
5. Sh. Gurdeep Singh, S/o Sh. Satwant Singh.
CSSD Assistant. Post:-Group-C
ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana.
Age 30 years
R/o #1508/52 ST No.6 Harkrishan Nagar, New Shimlapur, Ludhiana-141003.
6. Sh. Kulwinder Kumar S/o Sh. Bachan Lal
CSSD Assistant. Post:-Group-C

ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana.

Age 41 years

R/o # 32 ST No.1B.K. Estate Tajpur Road, PO Basti Jodewal, Ludhiana.

7. Sh. Dinesh Kumar S/o Sh. Balkrishan

CSSD Assistant. Post:-Group-C

ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana.

Age 40 years

R/o #50 Badari Colony Phase-1, Near Spartan Factory Basti Danishmandi, Ludhiana 144002.

8. Sh. Sunil Kumar S/o Sh. Gulshan Kumar,

CSSD Assistant. Post:-Group-C

ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana.

Age 30 years

R/o # B-771 Fullan Wali Chhawani Mohala Ludhiana 141001.

... APPLICANTS

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 applicants.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed wherein applicants seek 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 CSSD Assistant post as per decided law and upgrade made under 6th CPC.

(ii) Central Sterile Service Department Assistant (CSSD Assistant) falling u/ S. Bo.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 applicants/CSSD Assistant Grade pay of Rs.2400/- at scale Rs.5200-20200 at PB-1 of Level 4, even since their promotion as CSSD Assistants from dated 28.12.2015.

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

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

2. M.A. No.60/254/2018 has been filed under Rule 4(5)(a) of the C.A.T.

(Procedure) Rules, 1987, seeking permission to allow the applicants to file joint petition. For the reasons stated therein, the same is allowed.

3. On the commencement of hearing, learned counsel for the applicants very fairly submitted that before approaching this Court, the applicants have already submitted representation to the respondents 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 applicants has been held to be entitled to benefit which has been granted to Plaster Assistants. Therefore, she made a statement at the

Bar that applicants will be satisfied if direction is issued to the respondents to decide their representation by passing a reasoned and speaking order.

4. Considering short prayer of the applicants coupled with the fact that their 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 applicants 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 laid down by the Principal Bench of the Tribunal in the aforesaid two cases relied upon by the applicants. If they are held entitled, then the benefit be extended in their favour otherwise reasoned and speaking order be passed and the same be communicated to them. If applicants are held entitled, then they 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 22.08.2016.
5. 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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