

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
**ORIGINAL APPLICATION NO.060/00769/2018 &
MA No. 060/00952/2018**

Chandigarh, this the 10th day of July, 2018

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

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1. Mangat Singh aged 28 years son of Gurmail Singh, resident of 23 ST-1, Old, Group (B) Sunder Nagar Mundia Kala, Ludhiana – 141001.
2. Ashish Kumar Sharma, son of Rattan Lal Sharma, resident of Q No. 5/1 ESIC colony Bharat Nagar Chowk, Ludhiana.
3. Harvinder Singh, son of Jasbir Singh, VPO Ayali Kalan, Ludhiana.
4. Jolly Masih wife of Mangat Singh House No. 23, ST 01 Old Sunder Nagar, Mundiana Kalan, Ludhiana.
5. Chandra Parkash Singh son of Mithilesh Singh, residence of House No. 1006/F, Sector 7 B, Chandigarh.
6. Gurpreet Kaur daughter of Gurdev Singh, residence of House No. 242/2, Sector 44-A, Chandigarh.
7. Gurdial Singh son of Late Sh. Joginder singh VPO Nikuu Nangal, Tehsil Nangal, District Ropar, Punjab.
(All Group B)

....Applicants

(Present: Mr. Anuj Balian, Advocate)

Versus

1. Union of India through its Secretary of Health and Family Welfare, Nirman Bhawan, New Delhi.
2. Director General health Services (DGHS) 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.

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Respondents

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

1. MA 060/00952/2018 is allowed and the applicants are allowed to join together in the present O.A.
2. Heard.

3. At the commencement of hearing, learned counsel for the applicants submitted that before approaching this Court, the applicants have already filed representations seeking benefit of order dated 19.04.2016 passed by the Principal Bench in O.A. No. 2995 & 2996/2014 **titled Dharambir Singh Ranga Vs. Director General ESI Corporation & Others** (Annexure P-1), but the same have not been replied till date. Learned counsel very fairly submitted that similar representations filed by other persons have been rejected by the respondents on the ground that the order of the Principal Bench in the case of Dharambir Singh Ranga (supra) is under challenge in a writ petition filed before the Hon'ble High Court of Delhi. Learned counsel argues that there is no stay granted by the Hon'ble Delhi High Court in that case, therefore, the respondents cannot deny the benefits on the pretext of pendency of the Writ petition.

4. Learned counsel prays that the applicants will be satisfied if a direction is issued to the respondents to consider and decide their claim within a stipulated period, in accordance with law.

5. We have gone through the pleadings and are of the view that the ends of justice will be served if we direct the respondents to consider and decide the claim of the applicants, at the first instance, for grant of higher grade pay, in view of ratio of law laid down by the Principal Bench in the indicated case. Ordered accordingly. Since no stay has been granted by the Hon'ble Delhi High Court in the matter, the respondents may consider granting the benefits, subject to the outcome of the Writ Petition. Let the necessary exercise be carried out

within a period of six weeks from the date of receipt of a copy of this order and a reasoned & speaking order be passed on the claim of the applicants.

6. Needless to mention that disposal of the O.A. shall not be construed as an expression of any opinion on the merits of the case.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 10.07.2018

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