

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

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**ORIGINAL APPLICATION NO.060/00770/2018**

**Chandigarh, this the 13<sup>th</sup> day of July, 2018**

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

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1. Sh. Harpreet Singh, son of Sh. Mangal Singh CSSD Assistant Post (Group-C) ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana, Age 33 years resident of VPO-Vassian Bet the Jagraon District Ludhiana – 141110.
2. Sh. Pankaj Kumar aged 30 years, son of Sh. Ashok Kumar CSSD Assistant Post Group-C ESIC Model Hospital, Bharat Nagar Chowk Ludhiana. Resident of # 3/1, ESIC Hospital Colony, Bharat Nagar, Ludhiana – 141001.
3. Sh. Amresh Kumar son of Jagdishwar Singh, CSSD Assistant, Post Group –C ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana, Age 32 years resident of #32/2, ESIC Hospital Colony, Bharat Nagar, Ludhiana – 141001.
4. Sh. Rishi Kumar son of Sh. Nand Lal CSSD Assistant Post Group-C ESIC Model Hospital, Bharat Nagar Chowk. Ludhiana, aged 37 years, resident of #11/1, ESIC Hospital Colony, Bharat Nagar, Ludhiana - 141001.
5. Sh. Gurdeep Singh, son of Sh. Satwant Singh, CSSD Assistant, Post Group C ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana, Aged 30 years, resident of #1508/52 St. No. 6 Harkrishan Nagar, New Shimlapur, Ludhiana – 141003.
6. Sh. Kulwinder Kumar son of Sh. Bachan Lal CSSD Assistant, Post Group C ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana, Age 41 years, resident of # 32 ST No. 1, B.K. Estate Tajpur Road, PO Basti Jodewal, Ludhiana.
7. Sh. Dinesh Kumar son of Sh. Balkrishan CSSD Assistant, Post Group-C ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana, Aged 40 years resident of # 50 Badari Colony, Phase-1, near Spartan Factory Basti Danishmanda, Ludhiana – 144002.
8. Sh. Sunil Kumar son of Sh. Gulshan Kumar, CSSD Assistant, Post Group-C ESIC Model Hospital, Bharat Nagar Chowk, Ludhiana. Age 30 years resident of # B-771 Fullan Wali Chhawani Mohalla Ludhiana – 141001.

**....Applicants**

**(Argued by: 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 (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. By way of the present O.A., the applicants, who are working as CSSD Assistant at ESIC, Model Hospital, Ludhiana, have impugned the order dated 26.04.2018 (Annexure P-3), whereby their claim for grant of grade pay of Rs. 2400/- was declined on the plea that the order relied upon by them is under challenge before the Hon'ble Delhi High Court.

2. Heard.

3. Learned counsel for the applicants submitted that earlier the applicants approached this Tribunal by filing O.A. NO. 060/00190/2018 seeking grade pay of Rs. 2400/- being similarly situated like the applicants in the cases of Mahesh Chand Palliwal & Others Vs. Union of India & Others (O.A. NO. 2170/2012) decided on 12.02.2013 and Brham Pal & Others Vs. Union of India & Ors (O.A. No. 3227/2011) decided on 19.12.2013, wherein the similar relief was allowed in favour of the applicants therein, by the Principal Bench. The O.A. was disposed of with a direction to the respondents to decide the representation of the applicants, in the light of the aforementioned judicial pronouncements, by passing a reasoned and speaking order, vide order dated 17.02.2018 (Annexure P-2), by this Court.

4. Pursuant to the orders of this Court, the respondents have passed the impugned speaking order (Annexure P-3), whereby, they, though did not dispute the identical placement of the

applicants to those in the relied upon cases, but denied the benefit, on the ground that the Writ Petitions filed by the Department, against the orders of the Principal Bench in the cases of Mahesh Chand Palliwal (supra) and Braham Pal (supra), are pending before the Hon'ble Delhi High Court. Learned counsel argues that since no stay has been granted by the Hon'ble Delhi High Court in the indicated Writ Petitions, therefore, the respondents cannot deny the relief, allowed by the Tribunal.

5. Learned counsel further submitted that similar OAs (No. 2995-96/2014) **titled Dharambir Singh Ranga Vs. Director General ESI Corporation & Others**, filed by the similarly situated persons, with similar prayer, before the Principal Bench, were disposed of by holding that the category to which the applicants belong to, is entitled to the grant of grade pay of Rs.2400/-, and the respondents were directed to implement the scale notified vide Resolution dated 30.09.1997, by granting the pay scale of Rs.4000-6000 to the applicants, along with arrears, however, subject to the outcome of the Writ Petition filed by the respondents, by a common order dated 19.04.2016 (Annexure P-1). While relying upon the aforementioned decision, learned counsel prayed that the respondents may be directed to grant the benefit to the applicants, subject to the outcome of the Writ Petition, with an undertaking from the applicants to refund the amount, in case the decision in the writ proceedings is against the respondents therein.

6. We have gone through the pleadings and are of the view that the ends of justice will be served by directing the respondents to reconsider and decide the claim of the applicants, for grant of higher grade pay, in view of ratio of law laid down by the Principal Bench

in the indicated cases. 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, with an undertaking from the applicants, to refund the amount in case the Hon'ble High Court ultimately decides the matter, against the respondents in 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, under intimation to them.

**(P. GOPINATH)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**Dated: 13.07.2018**

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