

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00909/2018

Chandigarh, this the 6th day of August, 2018

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

...

Harpreet Singh aged about 34 years s/o Sh. Hari Singh r/o Near Adarsh colony, Dhamala, Pinjore, Panchkula, Haryana – 134102.

(The applicant was recruited under Group C of Paramedical Staff)

....Applicant

(Present: Mr. Mukesh Mehra, Advocate)

Versus

1. Union of India through its Director General, Employees State Insurance Corporation, Panchdeep Bhawan, C.I.G. Road, New Delhi – 110002.
2. The Assistant Director, Employees State Insurance Corporation, Housing Board Phase I, Sai Road, Baddi, Himachal Pradesh – 173205.
3. The Medical Superintendent, ESIC Model Hospital, Baddi, Himachal Pradesh – 173205.

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Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. By way of the present O.A., the applicant has challenged the order dated 06.04.2018 (Annexure A-3), whereby their request for grant of benefit of pay scale under pay band 5200-20200 + G.P. 2400/-, arising out of order dated 06.12.2016 in the case of

Teekaram Meena & Others Vs. Union of India & Others (O.A. No. 291/00645/2015), passed by the Jaipur Bench of Central Administrative Tribunal, has been rejected, on the ground that he was not a party to the said case.

2. Learned counsel, at the very outset, submitted that the applicant would be satisfied if a direction is issued to the respondents to re-consider his claim in the light of the relied upon case and take a view in the matter, within a stipulated period.

3. After a perusal of the impugned order (Annexure A-3), it is apparent that the respondents have not examined the case of the applicant for grant of the relevant benefit, in the light of the relied upon case, and straightway rejected it on the ground of his being not a party to the indicated case, which is not permissible under law, as held by the Hon'ble Jurisdictional High Court in CWP No. 4382/2002 titled **Satbir Singh & Others vs. State of Haryana & Others**, decided on 21.03.2002 that similarly situated persons should be given similar treatment and not be compelled to approach the Court for similar relief. Therefore, the impugned order (Annexure A-4), being not sustainable in the eyes of law, is set aside. The respondents are directed to re-consider the claim of the applicant, for grant of pay scale of Rs. 4000-6000 and corresponding pay band of Rs.5200-20200 with grade pay of Rs. 2400/-, in the light of relied upon case. It is further directed that if upon consideration, the applicant is found similarly situated to the applicants in the relied upon case, he may be extended the similar benefit, otherwise a reasoned and speaking order be passed, on his claim, with a copy to him.

4. Needless to mention, we have not expressed any opinion on the merits of the case, and the respondents are free to take an independent view, on the claim of the applicant, in view of the relied upon judgment.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 06.08.2018

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