

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.357/2018

Date of Decision: 22nd June, 2018

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)

1. Mr. Prafull Sagar
Room No.33, Type 3, Bldg No.2,
ESI Hospital Staff Qtrs., MIDC,
Andheri (E), Mumbai-93.

2. Mrs. Geetha R.Nair,
Room No.26, Type 3, Bldg No.2,
ESI Hospital Staff Qtrs., MIDC,
Andheri (E), Mumbai-93.

3. Mrs. Vaishali S. Owal
Room No.5, Type 2, Bldg No.1,
ESI Hospital Staff Qtrs., MIDC,
Andheri (E), Mumbai-93.

4. Ms. Manasi Deshpande
702, B Wing, Tejasvini Village Road,
Near PMC Bank, Panvel (W) 410206.

5. Ms. Hemangi Shelke
Room No.67, Type II, Bldg No.4,
ESI Hospital Staff Qtrs., MIDC,
Andheri (E), Mumbai-93.

6. Mr. Bheemappa Cinnaya,
Room No.74, Type III,
ESI Staff Qtrs., Central Road,
Andheri (E), Mumbai-400101.

7. Mrs. Bharti Deokule
A-16/01, Omkar Society,
Sector 26, Vashi, Navi Mumbai 400703.

8. Mrs. Shelma Xavier
Room No.32, Satyam Bldg,
T.M.C. Qtrs., Mandala,
Sion-Trombay Road.

9. Mr. Rajesh Kumar Sharma
Room No.18, Type 3/A,

ESI Staff Qtrs., Akurli Road, Kandiwali (E),
Mumbai 400101.

10. Ms. Manjeeri A. Jori,
1/3, Hariyali Village, Vikhroli (E),
Mumbai 400083.**Applicants.**

(Advocate by Ms. Sonali Humane, learned Advocate instructed by Ms. Ranjana Todankar, learned Advocate)

VERSUS

1. Union of India through its Secretary, Ministry of Labour and Employment, Shram Shakti Bhavan, New Delhi 100001.
2. Secretary Ministry of Finance, Department of Expenditure, North Block, New Delhi 110001.
3. Director General, ESIC Head Quarters, Panchdeep Bhavan, CIG Marg, New Delhi 110002.
4. Medical Commissioner, ESIC Head Quarters, Panchdeep Bhavan, CIG Marg, New Delhi 110002.
5. The Medical Superintendent, ESIC Model Hospital cum ODC, MIDC Andheri (E) Mumbai 400093.

.... **Respondents**

ORDER (ORAL)

PER: SHRI ARVIND J. ROHEE, MEMBER (J)

Today, when the matter is called out for Admission, heard Ms. Sonali Humane, learned Advocate instructed by Ms. Ranjana Todankar, learned Advocate for the applicant.

We have carefully perused the case record.

2. The applicants are presently working as Lab-Technician, Group 'C' under respondent No.5 at Mumbai. In this OA, they have come up with a common grievance that they have not been granted appropriate pay scale.

3. The following reliefs are, therefore, sought:-

"8(a) That this Hon'ble Tribunal may be pleased to direct the respondent to grant to the applicants the pre-revised pay scale of 5000-8000 and revised pay scale in pay band II i.e. 9300-34800 plus Rs.4200 as grade pay with all consequential benefits with effect from their respective dates of entitlement in the light of orders passed by various Departments and benches of this Hon'ble Court,

(b) That this Hon'ble Tribunal be pleased to direct the respondents to pay to the applicants the arrears of their pre-revised pay scale of 5000-8000 and revised pay scale in pay band II i.e. 9300-34800 plus Rs.4200 as grade pay from the respective dates of their entitlement.

(c) Pas such other or further orders as may be deemed necessary, fair and proper in the facts and circumstances of the case;

(d) Award costs of this Application"

4. The applicants claim the benefit of the revised pay scale based on some

decisions. They claim similar relief which is granted to other similarly placed employees working as Laboratory Technician in Ordnance Factory Hospital, Kanpur. Copy of the order dated 11.10.2013 passed by Hon'ble Principal Bench, CAT, New Delhi in OA No.2660/2012 is also produced on record vide Annexure A-10, in support of the said contention, that the applicants being similarly placed are entitled to the same relief. The record shows that the applicants have submitted separate representation to respondent No.5 during the period from 01.06.2016 to 25.09.2017 vide Annexure A-1 (collectively). However, nothing has been heard from the other end so far.

5. In view of above, there is no impugned order as such rejecting the applicants claim passed by the respondents, which can be judicially reviewed by this Tribunal.

6. MP NO.285/2018 for Joint Petition is allowed since the applicants are similarly placed and are seeking same relief.

7. Considering the above facts, we are of

the opinion that ends of justice will be better served in case appropriate directions are issued in the matter.

8. The competent authority from respondent Nos.1 to 5 is, therefore, directed to consider and pass a reasoned and speaking order on the pending representations Annexure A-1 (collectively) of the applicants, in accordance with law and after considering the decision rendered by Hon'ble Principal Bench, CAT, New Delhi in OA referred above, within a period of eight weeks from the date of receipt of a certified copy of this order.

9. The order so passed shall then be communicated to the applicants at the earliest, who will be at liberty to approach the appropriate forum, in case their grievance still persists.

10. The OA stands disposed of with the aforesaid directions at the admission stage without issuing notice to the respondents and without making any comments on merits of the claim except that the applicants claim to be similarly placed employees.

11. All the legal pleas are kept open.

12. Registry is directed to forward certified copy of this order to both the parties at the earliest, for taking appropriate steps in the matter.

(Mrs. P. Gopinath)
Member (A)

(Shri A.J. Rohee)
Member (J)

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