

**Central Administrative Tribunal
Madras Bench**

MA 310/00354/2018 & OA 310/00896/2018

Dated Thursday the 12th day of July Two Thousand Eighteen

P R E S E N T

**Hon'ble Shri. R.Ramanujam, Member(A)
&
Hon'ble Shri. P. Madhavan, Member (J)**

1. M. Saravana Kumar
2. S. Pappa Saroja
3. K. Karuppasamy
4. P. Saravanakumaran
5. M. Kumar
6. S. Hariharan
7. M. Mohan Murali
8. G. Govindaraj
9. V. Balasubramanian
10. K. Kasturirengan

.. Applicants

By Advocate **M/s. R. Malaichamy**

Vs.

1. Union of India
Rep. by the Director General
E.S.I. Corporation
C.I.G. Marg
New Delhi – 110 002.
2. The Dean/Medical Superintendent
E.S.I.C Hospital
K.K. Nagar
Chennai 600 078.

.. Respondents

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. MA 354/2018 filed for joining the applicants together and filing single application is allowed.

2. The applicant has filed this OA seeking the following reliefs:-

“i. To call for the records of the 1st respondent pertaining to his order which is made in No. C-18(11)1/2010/M-VI(Legal)/P-III dated 02.05.2018 and set aside the same; consequent to,

ii. direct the respondents to revise and re-fix their pay in the scale pay of Rs. 4000 – 6000 and further direct to extend the benefit of the judgments rendered by this Hon’ble Tribunal of Jaipur Bench in O.A. No. 291/00645/2015 dated 06.12.2016, Principal Bench in O.A. No. 417/2014, M.A.No. 832/2017 dated 27.07.2017 and in O.A. No. 3567/2016, M.A. No. 3109/2016, M.A. No. 3287/2016 dated 31.05.2018 from the date of appointment as Junior Radiographer of the applicants with all attendant benefits; and,

iii. To pass such further or other orders ”

3. It is submitted that the applicants had earlier filed OA 53/2018 seeking higher pay scale of Rs. 4000 – Rs. 6000 in V CPC (Rs.5200 – 20200) with GP of Rs. 2400 in VI CPC, demanding traditional parity with similar cadre employees to whom a higher grade pay of Rs. 2400 had been granted based on certain judgments in cases filed by other para-medical employees of ESIC. This Tribunal by an order dated 12.1.18 directed the respondents to consider the representations and pass a reasoned and speaking order. The impugned Annexure A14 order is passed in compliance thereof rejecting the representation of the applicants. Aggrieved by such rejection, the applicants are before us.

4. Learned counsel for the applicants would submit that their representations had been rejected on the ground that the order passed by the Jaipur Bench of this Tribunal in OA 645/2015, 674/2017 and 417/2014 the applicants therein were provisionally paid higher grade pay subject to the outcome of the WP 9512/2009 filed by Directorate (Medical) Delhi, ESIC in Hon'ble High Court of Delhi. It is submitted that the respondents ought to have granted the same benefit to the applicants herein subject to the outcome of the WP before the Hon'ble High Court and not rejected it on the ground that the relevant recruitment rules did not permit such grant of higher pay scale.

5. We have considered the matter. It is not in dispute that the orders passed by Jaipur Bench of this Tribunal had been implemented subject to the outcome of WP 9512/2009 pending before the Hon'ble Delhi High Court. Under such circumstances we are of the view that the ends of justice would be met in this case if the respondents are directed to review their Annexure A14 impugned order dated 02.05.2018 in the case of applicants, in case the WP 9512/2009 pending before the Hon'ble Delhi High Court is decided in favour of the employees who had been granted the benefit and if the applicants are similarly placed with in a period of three months from the date of receipt of copy of the order of the Hon'ble Delhi High Court.

6. OA is disposed of with the above directions.

(P. Madhavan)
Member (J)
AS

12.07.2018

(R.Ramanujam)
Member(A)