

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.11/2019 & M.A.No.6/2019

Dated Friday, the 04th day of January, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

1.V.Nagarajan,
Junior Medical Record Technician, ESIC Hospital,
K.K.Nagar, Chennai 600078.

2.E.Jayasudha,
Junior Medical Record Technician, ESIC Hospital,
K.K.Nagar, Chennai 600078.

...Applicants

By Advocate M/s K.Balasubramanian

Vs.

1.Union of India,
Rep., by its Secretary, Ministry of Labour
& Employment, Shramshakti Bhawan,
Rafi Marg, New Delhi.

2.Union of India,
Rep., by its Secretary, Ministry of Health,
Nirman Bhavan, New Delhi.

3.The Director General,
Head Quarters Office,
Employees State Insurance Corporation,
(ESIC) Panchadeep Bhawan Kotla Road,
New Delhi 110 002.

4.The Dean, ESIC Medical College & Hospital,
K.K.Nagar, Chennai 600 078.

...Respondents

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

Heard. M.A.No.6/2019 filed by the applicants to join together to file a single OA is allowed.

2. The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records passed by the third respondent in F.No.C-18/11/30/JR MRT/2018 Med VI (Legal) dated 10.10.2018 and quash the same and to direct the respondents to implement the scale of pay of Rs.5200-20200 with Grade Pay of Rs.2400 for the applicants as per the notification dated 30.09.1997 by considering the orders passed by the Hon'ble Principal Bench, New Delhi in OA Nos.2995 & 2996 of 2014 dated 19.04.2016 and O.A.No.3567 of 2016 dated 31.05.2018 and consequential monetary benefits and arrears from the date of joining of the applicants as Junior Medical Record Technician and thus render justice.”

3. It is submitted that the applicants were aggrieved with regard to the fixation of their pay following the 6th & 7th CPC recommendations and represented thereagainst to the competent authority. As there was no response, they filed OA 25/2018 which was disposed of by an order of this Tribunal dated 05.01.2018 directing the Director General, ESIC to consider the representations of the applicants dated 06.02.2016 & 23.11.2017 and pass a speaking order in accordance with law. The impugned Annexure A-11 order dated 10.10.2018 has been passed in pursuance thereof rejecting the representations of the applicants. Aggrieved by the rejection of their representations, the applicants are before this Tribunal in this second round of litigation.

4. Learned counsel for the applicants would submit that subsequent to the filing of their representations, a similar matter was considered by the Principal Bench of this Tribunal in OA No.3567/2016 and an order was passed on 31.05.2018 allowing the OA. The respondents were directed to implement the scale notified by Resolution dated 30.09.1997 by granting the pay scale of Rs.4000-6000 to the applicants. However, they would be entitled to arrears with effect from the date of filing of the OA, i.e., 17.10.2016 and without any interest thereon. This order was also subjected to the outcome of the WP filed by the respondents against the orders of the Tribunal dated 13.01.2004 in OA 1464/2003 and also WP No.18/2015 filed against the order dated 19.12.2013 in OA 3227/2011 and WP No.8261/2016 & 8264/2016 filed against the order dated 19.04.2016 in OA No.2995/2014 & 2996/2014. As the Principal Bench has ruled in favour of persons similarly placed as the applicants and the directions of the Tribunal had also been complied with by the respondents by an order No.470/2017 E-I(M) dated 08.12.2018, the applicants are also entitled to similar relief, it is contended.

5. We have considered the matter at the admission stage. It is not in dispute that the Hon'ble Delhi High Court is seized of the matter. However, it is alleged that based on the precedents, some other states/regions/zones have also issued orders fixing the pay of the persons similarly placed as the applicants in the pay scale of Rs.4000-6000. From the copy of the order dated 08.12.2018 produced by the applicants, it would appear that the applicants in OA 3185/2016 had been allowed

Grade Pay of Rs.2400 provisionally subject to an undertaking by them that if the outcome of the WP filed by the Hon'ble High Court went in favour of the ESIC, the amount shall be recovered. As such, we are of the view that no useful purpose would be served by keeping this OA pending in this Bench when the Hon'ble Delhi High Court is already seized of the matter. As it is alleged that based on the Principal Bench's order relief had been granted to persons similarly placed as the applicants in some other states/regions/zones as well, it is for the respondents to consider whether similar relief could be granted to the applicants herein also subject to the outcome of the WPs pending before the Hon'ble Delhi High Court.

6. OA is disposed of with the above observations.

**(P.MADHAVAN)
MEMBER(J)**

04.01.2019

M.T.

**(R.RAMANUJAM)
MEMBER (A)**