

**Central Administrative Tribunal
Principal Bench, New Delhi**

**OA No.1675/2019
MA No.1859/2019**

New Delhi, this the 27th day of May, 2019

Hon'ble Mr. R.N.Singh, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)

1. Arti Kumari
Aged about 31 years (Group 'C')
D/o Late Sh. Sukhi Yadav
R/o H. No.260, Block-G, Gali No.11/12
Molarband Extension, Badarpur
New Delhi – 110 044
Post – Pharmacist
Presently posted at DGD Tajpur
CDMO South East District.
2. Meenu
Aged about 37 years (Group 'C')
D/o Sh. Jai Singh
R/o H.No.69, V.P.O. Lehrara
Rohtak Road, Distt – Sonipat
Haryana -131001
Post – Auxiliary Nurse Midwife
Presently posted at DGD Wazirpur
CDMO North West District.
3. Ajay Kumar
Aged about 30 years (Group 'C')
S/o Sh. Bhale Ram
R/o Vill. Turkpur, P.O. Mandaura
Distt.-Sonipat
Haryana – 131001
Post – Auxiliary Nurse Midwife
Presently posted at DGD Wazirpur
CDMO North West District.
4. Monisha Jainer
Aged about 29 years (Group 'C')
D/o Sh. Giri Chand Jainer
R/o C-6/26, Dayalpur, PO-Gokalpuri
Shahdara, Delhi – 110 094.
Post – Lab Assistant
Presently posted at DGD Yamuna Vihar
CDMO North West District.
5. Renu
Aged about 29 years (Group 'C')
D/o Sh. Paramjeet Singh
R/o H. No.10, Aouchandi Road

Bawana, Delhi – 110 094
 Post – Auxiliary Nurse Midwife
 Presently posted at DGD Sannoath
 CDMO North East District.

6. Manoj Kumar
 Aged about 38 years (Group 'C')
 S/o Sh. Bir Singh
 R/o H.No.45, Near Mother Dairy
 Vill. Budhpur, P.O. Alipur, Delhi – 110 036
 Post – Pharmacist
 Presently posted at DGD Patiala House Court
 New Delhi District.
7. Ruman Devi
 Aged about 29 years (Group 'C')
 D/o Sh. Dilbag Singh
 R/o Vill. Ridhav Pana, Pindara
 P.O. Farmana, Sonapat
 Post – Auxiliary Nurse Midwife
 Presently posted at DGD Sannoath
 DCMO North Central Zone.
8. Shiksha
 Aged about 30 years (Group 'C')
 D/o Sh. Ram Kumar
 R/o P.O. Ujwa, Vill. Kharkhari, Pundh
 New Delhi – 110 073
 Post – Lab Assistant
 Presently posted at DGD Dariyapur
 CDMO North West District.
9. Mohit Kumar
 Aged about 33 years (Group 'C')
 S/o Sh. Ayodhya Prasad
 R/o A-17/197, Ganga Ram Gali
 Mandawali, Delhi – 119902
 Post –OT Technician
 Presently posted at DGD Delhi High Court
 New Delhi.
10. Amian Mishra
 Aged about 33 years (Group 'C')
 S/o Sh. Subodh Chandra Mishra
 R/o F-402, Alpha-II, Greater Noida (U.P.)
 Post – Pharmacist
 Presently posted at DGD Delhi High Court
 New Delhi.
11. Pradeep Kumar
 Aged about 36 years (Group 'C')
 S/o Sh. Dharm Pal
 R/o H.No.C-272/2, St. No.10
 Bhajanpura, Delhi – 110 053

Post – Radiographer
Presently posted at DGD Delhi High Court
New Delhi.

12. Seema Rani

Aged about 34 years (Group 'C')
D/o Sh. Tarsem Chand
R/o F-1/12, Phase-1, Budh Vihar
Delhi – 110 086
Post – Pharmacist
Presently posted at S.PUHC Budh Vihar
CDMO North West (DHS).

13. Binita Shreya

Aged about 34 years (Group 'C')
D/o Sh. Kapil Deo Prasad
R/o H. No.23-24, Pocket-II
Sector-22, Rohini
New Delhi – 110 085
Post – Pharmacist
Presently posted at DGD Sultanpuri
CDMO North West Delhi.

14. Manisha Rani

Aged about 30 years (Group 'C')
D/o Sh. Satish Chander
R/o H.No.231, Shahbad Daulatpur
P.O. Samaypur Badli, Delhi – 110 039
Post – Lab Assistant
Presently posted at S.PUHC Budh Vihar
DCMO North West.

15. Kavita

Aged about 37 years (Group 'C')
W/o Sh. Vijay Kumar
R/o H. No.227 Vill. & P.O. Auchandi
Delhi – 110 039
Post – Auxiliary Nurse Midwife
Presently posted at DGD Katewara
CDMO North District.

16. Gaurav

Aged about 34 years (Group 'C')
S/o Sh. Lakhon Malhotra
R/o 127/15, Hari Nagar Colony
Safidon Gate, Jind
Haryana -126102
Post – Pharmacist
Presently posted at Bodh Nagar
CDMO, East District.

17. Bhawna Sagar

Aged about 33 years (Group 'C')
D/o Sh. R.B. Sagar

R/o 158/16, FF, Amrit Puri-B
Garhi, New Delhi – 110 065
Post – Pharmacist
Presently posted at DGD, Garhi
CDMO South District.

18. Babita Rani
Aged about 31 years (Group 'C')
D/o Sh. Khem Chand
R/o H. No.69, Vill, Sarai Pipal Thala
Near New Sabji Mandi, Azadpur
Delhi – 110 033
Post – Pharmacist
Presently posted at AAMC Yamuna Pushta
CDMO Central District.
19. Neha Tajeja
Aged about 30 years (Group 'C')
D/o Sh. Shyam Lal Taneja
R/o H. No.46, Sector -18
Faridabad, Haryana – 121 002
Post – Pharmacist
Presently posted at DGD Kalkaji
CDMO South District.
20. Urvashi Tyagi
Aged about 26 years (Group 'C')
D/o Sh. Pankaj Tyagi
R/o H. No.A-22, Parivahan Apartment
Sector-5, Vasundhara, Ghaziabad
Uttar Pradesh – 201012
Post – Auxiliary Nurse Midwife
Presently posted at AAM Polyclinic, Vivek Vihar
CDMO Shahdara District.
21. Manoj Kumar
Aged about 35 years (Group 'C')
S/o Sh. Rambhaj
R/o 14/1, Vijay Nagar Colony
Near Ravidas Mandir, Hanuman Hall
Bawana, Delhi – 110 039
Post – Lab Assistant
Presently posted at DGD Bhorgarh
CDMO North District.

... Applicants

(By Advocate:Mr. Nilansh Gaur)

VERSUS

1. National Capital Territory of Delhi
Through Chief Secretary
Delhi Secretariat,
IP Estate
Delhi – 110 002.

2. The Secretary (Health)
Health & Family Welfare
NCT of Delhi, 9th Level
'A' Wing, Delhi Secretariat
New Delhi – 110 002.

3. The Director
Directorate General of Health Services
F-17, Karkardomma,
Delhi.

...Respondents

(By Advocate: Shri H.A. Khan, Addl Standing Counsel)

O R D E R (Oral)

By Hon'ble Shri R.N.Singh, Member (J)

Heard the learned counsel for the applicants.

2. Issue notice to the respondents. Shri H.A. Khan, Addl. Standing Counsel on receipt of advance service appears and accepts notice.

MA No.1859/2019

3. By way of MA No.1859/2019 the applicants seeking permission to file this OA jointly. For the reasons given in the MA and also taking into account that no objection from the learned counsel from respondents, MA is allowed.

OA No.1675/2019

4. The learned counsel for applicants submits that applicants are working under the respondents as Paramedical and Nursing Staff on contract basis. They are identically placed with the applicants in OA No.2947/2013 along with batch of OAs, decided by this bench of the Tribunal vide a common order/judgment and which has been upheld by the Hon'ble Delhi High Court in W.P.(C) No.717/2015, etc. on 28.03.2017 [Annexure A-4 (colly)].

5. The learned counsel for applicant, further submits that for extension of the benefit of judgment in OA No.2947/2013, the applicants have made representation dated 27.03.2019 (Annexure A-1 colly), however, the same has not been disposed of by the respondents till date.

6. In the present OA, the applicants have prayed for the following reliefs:-

"8.1 Direct the respondents to comply with the decision of the Ld. Central Administrative Tribunal was passed vide order dated 12.08.2014 in O.A. No.2947/2013 (along with batch of OAs) as upheld by the Hon'ble Delhi High Court vide judgment dated 28.03.2017 passed in W.P.(C) No.717/2015 (along with other writ petitions) and extend the benefit of the same to the applicants, by fixing the pay of the applicants at par with the pay of the new entrant/regular entrant working on the same post i.e. Auxillary Nurse Midwife, Pharmacists, Lab Assistants, OT Technicians and Junior Radiographers w.e.f.19.11.2012, alongwith arrears of pay and interest as per Law with all consequential benefits; and

8.2 Direct the respondents to grant the benefit of automatic revision of DA at par with identically situated Contractual Staff as well as the new/regular entrants working as Contractual Paramedical Staff; and"

7. The learned counsel for applicants further submits that another OA No.1068/2019 titled **Satpal Singh Vs.UOI and Ors.** came up before this Tribunal and the same was disposed of vide order dated 05.04.2019 with the following directions :-

"2. The applicant, who is working as Enquiry & Reservation Clerk under the 3rd respondent, filed the O.A. seeking the following relief(s):-

"8.1. That this Hon'ble Tribunal may graciously be pleased to directing the respondents to examine the case of the applicants in the light of Nabi Mohd's (Annexure A-13 of O.A) & Mr. Gaj Raj Singh & Others (Annexure A-20 of O.A.) decide his pending representation dated 10.09.2018 with all consequential benefits.

8.2. That this Hon'ble Tribunal may graciously be pleased to directing the respondents for extending the same benefits to the applicant which were extended to Shri Nand Kishore & Others in O.A. No 551/2002 upheld upto the level of Hon'ble Supreme Court later on the respondents vide their order dated 11.1.2012 implemented the direction of this Hon'ble Tribunal as well as Nabi Mohd's case in O.A. No. 1706/2008, Shri Gaj Raj Singh's case & Gabar Singh Rawat case both judgments have been implemented by the respondents and same benefits extended to other similar colleagues of the applicant.

8.3 That any other or further relief which this Hon'ble Tribunal may be deem fit and proper under the circumstances of the case may also be granted in favour of the applicant."

3. It is submitted that the applicant made representation dated 10.09.2018, (Annexure A-29) ventilating his grievances to the respondents. However, no orders have been passed thereon till date.

4. In the circumstances, the O.A. is disposed of at the admission stage itself, without going into the merits of the case, by directing the respondents to consider the said Annexure A-29, representation dated 10.09.2018 of the applicant and to pass appropriate reasoned and speaking orders thereon, in accordance with law, within 90 days from the date of receipt of a certified copy of this order. No order as to costs. Let a copy of the O.A. be enclosed to this order."

8. The learned counsel for applicants submits that the applicant shall be satisfied if a similar direction as contained in order dated 05.04.2019 OA No.1068/2019 is passed in the present OA also. Learned counsel for respondents has no objection to such request of the learned counsel for applicants.

9. In view of the above, the present OA is disposed of, at the admission stage itself, without going into the merit of the case, with a direction to the respondents to consider the aforesaid pending representation dated 27.03.2019 (Annexure A-1 colly) and pass an appropriate reasoned and speaking order in accordance with the

relevant rules and law within 90 days from the date of receipt of a certified copy of this order. No. costs.

(Mohd. Jamshed)
Member (A)

(R.N.Singh)
Member (J)

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