

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 4121/2016

The 30th day of April, 2019

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

1. Dr.Hedgewar Arogya Sansthan Nurses Union
Registration No. RTU/E/03/2012
Under Trade Union Act,
Dr.Hedgewar Arogya Sansthan,
Karkarddoma, Delhi-110032
(Designation-Staff Nurse-Group B)
2. Puran Mal Jangir
S/o Suwa Lal Jangir
Age-43,
1st Floor, Ram Nagar Ext.,
Krishna Nagar, Delhi-51
(Designation-Staff Nurse-Group B)
3. Ram Kumar
S/o Suraja Ram
Age-36
D-5, IInd Floor
East Arjun Nagar, Delhi
(Designation-Staff Nurse-Group B)
4. Hanuman Ram Kuri
S/o Chuna Ram
Age-44
B-16, East Arjun Nagar
Delhi-32
(Designation-Staff Nurse-Group B)
5. Anita Verma
W/o Dinesh Verma
Age-40
No. 569, Gali Jain Mandir
Chota Bazar, Shahdra
(Designation-Staff Nurse-Group B)
6. Divya Varghese
D/o Varghese

- Age-38
C-7, East Arjun Nagar, Delhi
(Designation-Staff Nurse-Group B)
7. Ajay Kumar Kaswan
S/o Gopi Ram
Age-37
G7A, East Vinod Nagar
Delhi-91
(Designation-Staff Nurse-Group B)
8. Punam Saini
W/o Shri J.S. Saini
Age 37
F.No. 29, Richmond Park
Sec-6, Vasundra, Ghaziabad
(Designation-Staff Nurse-Group B)
9. Thara Krishna-T
W/o Shri Raja Gopal
Age -36
H.No. A-1, East Arjun Nagar
Karkardooma, Delhi-32
(Designation-Staff Nurse-Group B)
- 10 Moncy Biju
W/o Biju Kuruvila
Age -43
G-210, Alaknanda Apartment
Rampuri, Surya Nagar
(Designation-Staff Nurse-Group B)
- 11 Satyaveer Yadav
S/o Lt. Sh. Ramesh Dayal Yadav
Age -46
34 IInd Floor, Ram Nagar Ext
Krishna Nagar, Delhi-51
(Designation-Staff Nurse-Group B)
- 12 K. Hari Lakshmi
W/o L.N. Premnath
Age-36
A-17, East Arjun Nagar
Delhi-32
(Designation-Staff Nurse-Group B)

- 13 Dheeru Bala
W/o Digamber Seth
Age -47
H.No. B-55, Gali No.3
New Govind Puri, Delhi
(Designation-Staff Nurse-Group B)
- 14 Moola Ram
S/o Ishwar Ram
Age-40
Dr. Hedgwar Arogya Sansthan, Delhi-32
(Designation-Staff Nurse-Group B)
- 15 Gilda Jose
W/o Sato Antony
Age-40
Dr. Hedgwar Arogya Sansthan, Delhi-32
(Designation-Staff Nurse-Group B)
- 16 Yadram Kasana
S/o Sh. Ram Swaroop Gurjar
Age-40
Dr. Hedgwar Arogya Sansthan
(Designation-Staff Nurse-Group B)
- 17 Santosh Kumari
W/o Mahender Singh
Age-38
D-42, D-Block
Shakarpur, Delhi
(Designation-Staff Nurse-Group B)
- 18 Arun Kumar
S/o Gorakh Dayal
Age-44
H. No. 22, IInd Floor, Pocket-10
Rohini, Sector-20, Delhi
(Designation-Staff Nurse-Group B)
- 19 Mrs.Vaishali Bhadra,
W/o Sashanka Bhadra
J-60/F6, Abhilasha Apartments,
Dilshad Colony, Delhi-110095.
20. Mrs. Arti Raheja,
W/o Mr. Manoj,

Gali No.6, New Govindpura,
Delhi-110051
(Designation-Staff Nurse-Group B) .. Applicants

(By Advocate: Shri Wills Mathews with Shri Devendra
Kumar Tiwari)

Versus

- 1 Govt. of N.C.T. of Delhi
Ministry of Health and Family Welfare
Nursing Section,
Through its secretary,
I P Estate, Delhi Secretariat,
New Delhi-110002.
- 2 Dr. Hedgewar Arogya Sansthan,
Karkardooma, Delhi-110032 ,
Through its Medical Superintendent,
New Delhi – 110032.
3. Union of India,
Ministry of Finance,
Through its secretary
Department of Expenditure,
North Block,
New Delhi-110001. .. Respondents

(By Advocate: Ms. Sumedha Sharma)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard Shri Wills Mathews, learned counsel for the
applicants and Mrs. Sumedha Sharma, learned counsel for the
respondents and perused the pleadings on record.

2. The 1st applicant is the Union and the applicants No.2 to 20 are individual applicants, who have jointly filed the O.A. seeking the following relief(s):

- “A. Pass an order quashing the office orders passed by the respondent hospital from 13.6.2016 onwards to all the applicants and all the recoveries, reductions, deductions from the basic pay/salary of the petitioners/applicants and credit the illegally debited amount to the accounts of the applicants.
- B. Pass an order directing the respondent No-1 and 2 to rectify the mistakes / irregularities/ anomalies in the pay scale of the petitioners/applicants in connection with the implementation of the 6th pay commission report.
- C. Allow the O.A. with cost.
- D. Pass such other directions or orders as this Honorable Tribunal may deem fit and proper to meet the ends of justice.”

3. When this matter taken up for hearing, the learned counsel for the applicants submits that the applicants are identically placed like the applicants in O.A. No.98/2014 dated 27.03.2015 in Mrs. Malbika Deb Gupta vs. Union of India & Others and batch, which was upheld upto the Hon'ble Apex Court, and the applicants would be satisfied if their claims are considered, keeping in view the said judgment, within a fixed timeframe.

4. The learned counsel for the respondents, while opposing the O.A. on various grounds, submits that the applicant has not filed any rejoinder disputing the contentions in the counter

affidavit, however, as the respondents have not yet passed any speaking order, they have no objection in disposal of the O.A. with the said direction.

5. We also find that the judgment in O.A. No. 610/2011 dated 04.11.2011 in Uttam Singh & Others. vs. Govt. of NCT of Delhi & Others, which was enclosed to the O.A., also have a bearing on the claims of the applicants.

6. In the circumstances, the O.A. is disposed of, without going into the merits of the case, by directing the respondents to consider the claims of the applicants, keeping in view the judgments in Uttam Singh (supra) and Malbika Deb Gupta (supra), 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.

(NITA CHOWDHURY)
Member (A)

(V. AJAY KUMAR)
Member (J)

/Jyoti /