

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

O.A. No. 791/2019

The 08th day of March, 2019

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. PRADEEP KUMAR, MEMBER (A)**

1. Krishan Pal Sharma, Aged-47 Years, 'C'
S/o Late Sh. Sukhbir Sharma,
Working as Lab Assistant
In R.S.B.V. Kalyanvas, Delhi
R/o 40-D, Pkt-B, Delhi Govt. Official Flats,
Mayur Vihar, Phase-II, Delhi-91
2. Gopal Dutt, Aged- 54 Years, 'C'
S/o Late Sh. Keshav Dutt Sharma,
Working as Lab Assistant
In SKV Dayanand Road,
Darya Ganj, New Delhi.
R/o Flat No.1255, Type-II, D.A. Flats,
Gulabi Bagh, Delhi.
3. Manoj Kumar Tomar, Aged- 45 Years, 'C'
S/o Late Sh. S.P. Singh,
Working as Lab Assistant in Govt. S.K.V. No.2,
C-Block, Yamuna Vihar
R/o B-5/115, Ground Floor, Yamuna Vihar,
Delhi.
4. Sukh Pal, Aged- 55 Years, 'C'
S/o Sh. Ram Prasad,
Working as Lab Assistant in Govt. S.K.V.
Gokalpuri, Delhi.
R/o E-133, Gali No.02, Ramaba Ambadkar Mohalla,
Johnpuri, Delhi-110094
5. Satish Kumar, Aged-51 Years, 'C'
S/o Sh. Ram Chandar,
Working as Lab Assistant in Govt. Co-ed. Sec. School,
F-Block, Vikaspuri, Delhi
R/o V.P.O Luksar, Distt. Jhajjar,
Tehsil Bahadur Garh (Haryana)
6. Mir Mustaq Ahmed, Aged-52 Years, 'C'

S/o Late Sh. Gulam Rashul,
Working as Lab Assistant in S.K.V. No.1
Zeenat Mahal, Kamla Market, New Delhi.
R/o House No.573, Gali No.19, B-Block,
Shiv Kunj, Sant Nagar, Burari, Delhi.

7. Abdul Kadir, Aged- 54 Years, 'C'
S/o Late Sh. Deen Mohmmad,
Working as Lab Assistant in RPVV Kishan Ganj,
Delhi-110007
R/o Flat No.805, Type-I, Gulabi Bagh, Delhi
8. Naresh Kumar, Aged- 49 Years, 'C'
S/o Late Sh. Suraj Pal,
Working as Lab Assistant in Dr. Rajender Prasad
Sarvodaya Vidyalaya, President Estate, New Delhi.
R/o House No.131, Village Kundli, Geeta Colony,
Delhi.
9. Rajinder Singh, Aged-56 Years, 'C'
S/o Sh. Nathu Singh,
Working as Lab Assistant in
S.K.V. Kanya Vidyalaya No.1,
C.R. Das, New Seelampur, Delhi-53
R/o H.No.173/A, Gali No.11, Shiv Mandir Vazirabad,
Delhi-110054
10. Bhupender Singh, aged 48 years, 'C'
S/o Sh. Raj Singh,
Working as Lab. Assistant in GGSS School,
Patodi House, Daryaganj, New Delhi-2
R/o Vill. & PO Lehrara, Distt. Sonipat (Har.).
11. Naveen Singh Bisht, aged 55 years, 'C'
S/o Sh. D.S. Bisht,
working as Lab. Assistant in GGSS School,
Bela Road, Daryaganj, New Delhi
R/o H. No. 2, SKV Daryanand Road Staff Quarters,
Daryaganj, New Delhi-2.

.....Applicants

Versus

1. Govt. of NCT of Delhi through
The Chief Secretary,
I.P. Estate, New Delhi.

2. The Secretary,
Service Department,
Govt. of NCT of Delhi,
New Secretariat, New Delhi.
3. The Director,
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat, Delhi-54
4. The Secretary,
Department of Personnel & Training,
Ministry of Personal Public Grievances & Pension,
Govt. of India, North Block,
New Delhi.
5. The Secretary,
Ministry of Home Affairs,
Govt. of India, North Block,
New Delhi.
6. The Secretary,
Ministry of Finance, Department of Expenditure,
Govt. of India, North Block, New Delhi.

.....Respondents

ORDER (ORAL)

By Shri V. Ajay Kumar, Member (J)

M.A. No. 885/2019 filed for joining together is allowed.

2. Heard learned counsel for the applicants. Office objections are over ruled.
3. Learned counsel for the applicant seeks permission of this Tribunal that the Secretary, Ministry of Finance, Union of India, was not made a party and he may be permitted to add him as respondent No. 6. He is permitted to do so, as no notices were issued in the O.A. till date.

4. The applicants, who are presently working as Lab. Assistants, under the Secretary, Govt. of NCTD, filed this O.A. seeking the following relief(s):-

- (i) *That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to finalize the case of the applicants to resolve the anomaly in the pay of Laboratory Assistant of Directorate of Education, GNCT of Delhi on grant of 2nd financial up-gradation under MACP Scheme within the specified time.*
- (ii) *That the Hon'ble Tribunal may further graciously be pleased to pass an order directing the respondents to grant the 2nd financial up-gradation to the applicants under MACP Scheme on completion of 20 years of service in PB-I + GP 2800/- as per circular dated 22.10.2009 with all consequential benefits from due date with arrears of difference of pay and allowances or alternatively atleast grant the grade pay of Rs.2800/- (PB-1) from the date of their promotion to the post of Lab Assistant with all consequential benefits including the arrears of difference of pay and allowances.*
- (iii) *Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant along with the costs of litigation.*

5. It is submitted that in pursuance of the representation made by the 1st applicant, their employer, i.e. GNCTD vide Annexure A-1, proposal dated 19.12.2018, requested the 5th respondent-Department of Personnel and Training, Union of India to look into the matter and advice suitably.

6. 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 take a final view on the Annexure A-1, proposal dated 19.12.2018 and to pass appropriate speaking and reasoned orders thereon, in

accordance with law, within four months 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.

(PRADEEP KUMAR)
Member (A)

(V. AJAY KUMAR)
Member (J)

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