

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

O.A. No. 1137/2019

M.A. No. 1250/2019

The 09th day of April, 2019

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. ARADHANA JOHRI, MEMBER (A)

1. Renu, D/o Shri Joga Ram
Aged about 30 years (Group 'C')
Post – Lab Assistant
R/o E/19, Jawahar Park, Devli Road,
Khanpur, New Delhi.
Place of posting –CDMO South District,
2. Madhu Sharma, D/o Shri Yogesh Sharma
Aged about 31 years (Group 'C')
Post – Lab Assistant
R/o House No. 154, Pandit Chowk, Mandawali
Delhi – 92
Place of posting –DGD, Pandav Nagar, East District
3. Pooja Aggrawal, D/o Shri Anil Kumar
Aged about 33 years (Group 'C')
Post – Lab Assistant
R/o 9/21, Kailash Nagar, Delhi – 31
Place of posting – DGD, Geeta Colony, East District.
4. Anita, D/o Shri Lt. Shishpal
Aged about 35 years (Group 'C')
Post – Lab Assistant
R/o B-3/133, 134 Sultanpuri, Delhi – 86
Place of posting – Seed PUHC, Prem Nagar- II & III,
North West District.
5. Chandni Talwar, D/o Shri Rajan Kumar Talwar
Aged about 28 years (Group 'C')
Post – Lab Assistant
R/o D2/122, Jeevan Park, Pankha Road, Uttam Nagar,
New Delhi
Place of posting –DGD, A4/A, Janakpuri,
CDMO West District
Under DHS Delhi.

6. Pooja Bharti, D/o Shri Deepak
Aged about 29 years (Group 'C')
Post – Lab Assistant
R/o 353, Chowkandi, Tilak Nagar, Delhi.
Place of posting – DGD, Khayala,
CDMO West District
Under DHS Delhi.
7. Amit Kumar, S/o Shri Kumar Anil
Aged about 35 years (Group 'C')
Post – Lab Assistant
R/o At – Puraniganj, (Agarwal Tola), Munger,
P.O. + District, Munger (Bihar)
Pin - 811201
Place of posting –North West District, Bhagwan Mahavir
Hospital, Pitampura, Under DHS Delhi.
8. Lucky, S/o Shri Dharam Chand
Aged about 32 years (Group 'C')
Post – Lab Assistant
R/o House No. 70/13, Makkar Villa, Sikka Colony,
Near Anandpur, Kuttiya, Sonipet, Haryana – 131001
Place of posting – DGD, Samgam Park, CDMO North
West District, Under DHS Delhi.
9. Rimple Saini
D/o Shri Baldev Singh Saini
Aged about 32 years (Group 'C')
Post – Lab Assistant
R/o D-30, Street No.2 Madhuvan Mohalla,
North Gonda, Delhi – 53.
Place of posting –CDMO Shahdara, Under DHS Delhi.
A-14/G-1, DDA Flats Dilshad Garden, Delhi-95.
10. Neeraj Kumar Sharma, S/o Late Ram Prakash
Aged about 34 years (Group 'C')
Post – Lab Assistant
R/o J-357, Old Seemapuri, Delhi – 95.
Place of posting – DGD, Ashok Nagar, CDMO Shahdara
Under DHS Delhi.
11. Renu Bala, D/o Shri Banwari Lal
Aged about 39 years (Group 'C')
Post – Lab Assistant

R/o B-83, Jagatpuri, Gali No. 7, Delhi – 51
Place of posting –DGD, Karkardooma Court, CDMO
Shahdara District, Under DHS Delhi.

12. Subhash Chander Maurya S/o Shri Drig Pal Maurya
Aged about 34 years (Group 'C')
Post – Lab Assistant
R/o D-294, Gali No. 7, Mukund Vihar,
Karawal Nagar, Delhi - 94.
Place of posting – Deep Chand Bandhu Hospital,
Ashok Vihar
D-294/1, Gali No.7, Mukund Vihar,
Karwal Nagar, Delhi-94.
13. Deepak Kumar, S/o Shri Dharmvir Singh
Aged about 30 years (Group 'C')
Post – Lab Assistant
R/o House No. 413, Q Pocket,
Dilshad Garden, Delhi – 95.
Place of posting – DGD, Bank Enclave, East District
14. Pooja Bhardwaj, D/o Shri Kapil Bhardwaj,
Aged about 29 years (Group 'C')
Post – Lab Assistant
R/o RZ-23, Dharampura – I, Najafgarh,
New Delhi – 110043.
Place of posting – South West District, DGHC, Dhansa
Under DHS Delhi.
15. Krishnalata, D/o Shri Pradeep Kumar Mishra
Aged about 30 years (Group 'C')
Post – Lab Assistant
R/o Block-D3 House No. 3, Shiv Durga Vihar, Lakarpur,
Faridabad, Haryana.
Place of posting – DGD, Sarai Kale Khan,
CDMO South East District, Under DHS Delhi.
16. Neeta Bala, D/o Shri Ram Babu
Aged about 33 years (Group 'C')
Post – Lab Assistant
R/o House No. G-14, Gali No. 1/1, Near Shiv Mandir,
SGM Nagar, Badkal Road, Faridabad,
Haryana – 121001

Place of posting – DGD, Trilokpuri,
& DGD Shashi Garden,
East District, CDMO East Delhi Under DHS Delhi.

17. Shweta Bansal, D/o Shri Sunil Kumar Bansal
Aged about 29 years (Group 'C')
Post – Lab Assistant
R/o E-58, 1st Floor, Jhilmil Colony, Delhi – 95.
Place of posting – Bholanath Nagar Dispensary, CDMO
Shahdara District, Under DHS Delhi.
18. Sarla Bisht, D/o Shri Bache Singh Bisht
Aged about 34 years (Group 'C')
Post – Lab Assistant
R/o F-46, Street No.2, East Vinod Nagar, Delhi – 91
Place of posting – EX -30, Himmatpuri,
Delhi -91, East District
19. Ankur Singh, S/o Shri Subhash Singh
Aged about 32 years (Group 'C')
Post – Refractionist
R/o M-149, Sector – 12, Pratap Vihar
(Near Dominos Pizza)
Ghaziabad, U.P. – 201009
Place of posting – CDMO South District,
Under DHS Delhi.
20. Ankita, D/o Shri Bhupinder Singh
Aged about 27 years (Group 'C')
Post – Lab Assistant
R/o House No. 241, PDS Apartment, D-1,
Ghittorni, Delhi - 30
Place of posting – DGD, Sarai Rohilla,
CDMO Central District
Under DHS Delhi.
21. Nisha, D/o Shri Vijay Singh
Aged about 34 years (Group 'C')
Post – Lab Assistant
R/o 46-C, MIG Flats, Pocket-A, GTB Enclave,
Nand Nagari, Delhi – 93.
Place of posting – DGD, Wazirabad, Central District
22. Rekha Solanki, D/o Shri Chanderpall Solanki

Aged about 32 years (Group 'C')
Post – Lab Assistant
R/o 11/31, Block-F, Sector-15, Rohini, Delhi
Place of posting – Aam Admi Polyclinic,
CD Block Pitampura,
CDMO North West District, Under DHS Delhi.

23. Shalu, D/o Shri Raj Kumar
Aged about 34 years (Group 'C')
Post – Refractionist
R/o House No. 847, Street No. 4, Jyoti Colony,
Shahdara, Delhi – 32.
Place of posting – CDMO office, East District,
Detail to school health scheme.
24. Garishma Gupta, D/o Shri Gopal Gupta
Aged about 32 years (Group 'C')
Post – Refractionist
R/o 6261, Kucha Shiv Mandir, Naya Bans, Delhi – 06.
Place of posting – School Health Services,
Karkardooma, Central District, Under DHS Delhi.
25. Pooja, D/o Shri Girdhari Singh
Aged about 31 years (Group 'C')
Post – Lab Assistant
R/o E-189, Gali No.5, East Vinod Nagar, Delhi – 91
Place of posting – DGD, Kondali, Mayur Vihar Ph-III,
East District.
26. Vinod Kumar, S/o Shri Budh Prakash
Aged about 34 years (Group 'C')
Post – Lab Assistant
R/o House No. 14, Gali No. 1, Jatav Basti,
Burari, Delhi – 84.
Place of posting – DGD, Jharora Mazra,
Khasra No. 40,
Burari Delhi Central District.
27. Manish Kumar Singh, S/o Shri Dharam Pal Singh
Aged about 36 years (Group 'C')
Post – Lab Assistant
R/o House No. 107, Sector 2B, 2nd Floor, Vaishali,
Ghaziabad, U.P.

Place of posting – Gautampuri, Polyclinic, CDMO
North East District, Under DHS Delhi.

28. Jai Prakash, S/o Shri Ram Sewak
Aged about 36 years (Group 'C')
Post – Lab Assistant
R/o B-70/3, Kondali Delhi – 96.
Place of posting – CDMO Shahdara.
29. Chanda, D/o Shri Jogendra Prasad
Aged about 31 years (Group 'C')
Post – Lab Assistant
R/o G-2/313, Gali No. 4, Jai Vihar, Phase-II,
Baprola, Najafgarh, New Delhi.
Place of posting –DGD, Nawada, West District
30. Aparna, D/o Shri Narayan Singh
Aged about 32 years (Group 'C')
Post – Lab Assistant
R/o C-507, Nathupura, Burari, Delhi – 84.
Place of posting – AAMC, Nathupura, Central District.
31. Meenakshi, D/o Shri Hemant Kumar
Aged about 27 years (Group 'C')
Post – Lab Assistant
R/o House No. 63/64, Street No. 4, Prem Nagar,
Nathupura, Delhi – 84
Place of posting – Seed PUHC,
Nathupura Dispensary
CDMO Central District.
32. Sabeena, D/o Shri M. T. Khan
Aged about 30 years (Group 'C')
Post – Lab Assistant
R/o House No. C-44, Madanpur, Khadar Part-III,
Near Makki Masjid, Sarita Vihar, New Delhi - 76.
Place of posting – DGD, Sunlight Colony, CDMO
South East District, Under DHS Delhi.
33. Modasseruz, Zaman S/o Shri Mozaffaruz Zaman
Aged about 34 years (Group 'C')
Post – Lab Assistant
R/o C-100, 2nd Floor,

Near Ahad Masjid Okhla Vihar
 Zamia Nagar, New Delhi - 110025
 Place of posting – DGD, Tank Road,
 CDMO Central District
 Under DHS Delhi.

34. Rakhi, D/o Shri Mahendra Singh
 Aged about 29 years (Group 'C')
 Post – Lab Assistant
 R/o Flat No. 62, Type 2, Varun Niketan, AU Block,
 Pitam Pura, Delhi
 Place of posting – Aam Admi Polyclinic, CD Block,
 Pitam Pura, Delhi – 34, CDMO North West District
 Under DHS Delhi.
35. Naima, D/o Shri Mohammad Ali
 Aged about 28 years (Group 'C')
 Post – Lab Assistant
 R/o N-3, Sailing Club Road, Jamia Nagar,
 Batla House, Delhi – 25.
 Place of posting – DGD, Chirag Delhi,
 CDMO South District
 Under DHS Delhi.
36. Raushan Kumar, S/o Shri Ram Nachhatrasah
 Aged about 29 years (Group 'C')
 Post – Lab Assistant
 R/o C-120/C, New Ashok Nagar, Delhi – 96.
 Place of posting – DGD, Gali Samosan, Farsh Khana
 CDMO Central District, Under DHS Delhi.
37. Dhananjay Kumar Tiwari, S/o Shri Ram Ekbali Tiwari
 Aged about 29 years (Group 'C')
 Post – Lab Assistant
 R/o A-267, 2nd Floor, North Block,
 West Vinod Nagar, Delhi 92
 Place of posting – DGD, Nabi Karim,
 CDMO Central District
 Under DHS Delhi.
38. Pramod Kumar, S/o Shri Shivdhari Paswan
 Aged about 36 years (Group 'C')
 Post – Lab Assistant

R/o F-9/32, Pocket-3, Sector – 34,
Rohini, Delhi – 42.

Place of posting – DGD, Balli Maran, Polyclinic,
Chandani Chowk, Central District.

39. Anurag Chandra Pandey, S/o Shri Vidya Nand Pandey
Aged about 33 years (Group 'C')
Post – Lab Assistant

R/o House No. 282, Sanskriti Apartment,
Rohini Sector -28
Pocket – GH-1, Delhi – 42.

Place of posting – CDMO Central District,
Under DHS Delhi.

40. Ajay Nair, S/o Shri Shankar Nair
Aged about 31 years (Group 'C')
Post – Lab Assistant

R/o F-5/278, Sector-16, Rohini, Delhi
Place of posting – BSA Chest Clinic,
CDMO North West

District, Sector – 13, Rohini, Delhi, Under DHS Delhi.

41. Geeta Joshi, D/o Shri Nand Kishore Joshi
Aged about 32 years (Group 'C')
Post – Lab Assistant

R/o 722, DDA LIG Flats, Hastal, Uttam Nagar,
New Delhi

Place of posting – DGD, Ram Dutt Enclave,
CDMO West District, Under DHS Delhi.

42. Chingnejhoih, D/o Shri Lianzathang
Aged about 42 years (Group 'C')
Post – Lab Assistant

R/o 108-B, Munirka Village, New Delhi – 67.

Place of posting – DGD, District Saket Court,
CDMO South District, Under DHS Delhi.

43. Sumit Sharma, S/o Shri Anand Prakash Sharma
Aged about 33 years (Group 'C')
Post – Lab Assistant

R/o B-16/2, Chandu Nagar, KN Road, Delhi – 94.

Place of posting – DGD,
Timarpur, Central District.

44. Amit Singh, S/o Shri Anil Kumar Singh
Aged about 31 years (Group 'C')
Post – Lab Assistant
R/o House No. C-1236, Nandgram,
Ghaziabad, U.P.
Place of posting – CDMO East District,
Under DHS Delhi.
45. Saroj, D/o Shri Dev Narayan
Aged about 33years (Group 'C')
Post – Lab Assistant
R/o F-183/18, Mittal Colony,
Pul Prahaladpur,
New Delhi – 44
Place of posting – DGD, Garhi,
CDMO South East District
Under DHS Delhi.

All the applicants are working on the post of Lab Assistants and Refractionists with the respondents.

..Applicants

(By advocate: Sh. Nilansh Gaur)

VERSUS

1. National Capital Territory of Delhi
Through Chief Secretary
Delhi Secretariat, IP Estate,
Delhi – 110002
2. The Secretary (Health)
Health & Family Welfare
NCT of Delhi, 9th Level
'A' Wing, Delhi Secretariat
New Delhi - 110002.
3. The Director
Directorate General of Health Services
F-17, Karkardooma, Delhi

...Respondents

(By advocate: Sh. H.A. Khan)

ORDER (ORAL)**By Mr. V. Ajay Kumar, Member (J)**

Heard Sh. Nilansh Gaur, the learned counsel for the applicants and Sh. H.A. Khan, learned counsel for respondents on receipt of advance notice.

2. M.A. No. 1250/2019 for joining together is allowed.
3. The applicants, who are working on different capacities on contract basis, under the respondents, filed the O.A. seeking the following relief(s):-

“(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 from the date of initial appointment, alongwith arrears of pay and interest as per Law with all consequential benefits; and

(8.2)Direct the Respondents to extend the benefit of order dated 07.03.2019 to the applicants being identically situated contractual employees and accordingly fix their pay at par with regular/new entrant from the date of their initial appointment along with arrears of pay and interest admissible as per law; and

(8.3)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 Staff; and
(8.4) Any other relief which this Hon'ble Tribunal may deem fit and appropriate, in the circumstances of the case."

4. It is submitted that the applicants made number of representations, including Annexure A-1 (Colly) dated 15.03.2019 ventilating their grievances to the respondents. However, no orders have been passed thereon till date.

5. 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-1 (Colly), representations of the applicants 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.

(ARADHANA JOHRI)
Member (A)

(V. AJAY KUMAR)
Member (J)

/Daya /