

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

O.A. No. 16/2019

M.A. No. 31/2019

The 3rd day of January, 2019

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

1. Letha Anil,
Age 43 years, Group-B,
W/o Mr. K.V. Anil Kumar,
Presently Senior Staff Nurse,
ESIC Hospital, Jhilmil, New Delhi
R/o F-4, S-2, Dilshad Colony,
Delhi-95.
2. Raji V.K.,
Age 43 years, Group-B,
W/o Mr. Saji Kumar T.S.
Presently Senior Staff Nurse,
ESIC Hospital, Jhilmil, New Delhi
R/o Flat No.25, Pocket-D,
Dilshad Garden, Delhi-95.

.. Applicants

(By Advocate : Shri Padma Kumar S.)

Versus

1. Union of India,
Through Secretary,
Ministry of Labour and Employment,
Shram Shakti Bhawan,
New Delhi-1.
2. The Director General,
ESIC Headquarters,
Panchdeep Bhawan,
CIG Marg, New Delhi-2.
3. The Medical Superintendent,
ESI Hospital, Jhilmil,
New Delhi-110095.

.. Respondents

(By Advocate : Shri Duli Chand)

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

Heard Shri Padma Kumar S., learned counsel for the applicants and Shri Duli Chand, learned counsel appeared on behalf of the respondents on receipt of advance notice.

2. MA 31/2019 filed for joining together is allowed.

3. The applicants, who are 2 in number and working as Senior Staff Nurse under the respondent – ESIC, filed the O.A. seeking the following relief(s):

- “(a) Declare the action of the respondents to have restricted the minimum pay of Rs.12540/- to some of the employees as arbitrary and illegal and quash the impugned order dated 11.01.2018 to extend it did not include the names of the applicants.
- (b) Direct the respondents to fix the pay of the applicants in terms of the law laid down and keeping in view that their pay is not less than Rs.12540 + Rs.4600 Grade Pay as on 01.01.2006.
- (c) Direct the respondents to grant the Applicants the arrears of pay from 1.1.2006 with interest as applicable at government rates thereon.
- (d) Grant any other relief which this Hon’ble Tribunal may be pleased to grant to the applicants under the facts and circumstances of the case.”

4. It is submitted that the subject matter of the O.A. is covered by various decisions of this Tribunal including latest decision of this Tribunal in O.A. No. 3147/2018 (Sneh Lata & Ors. vs. Union of India & Ors.) dated 23.08.2018. It is also submitted that the representations made by the applicants vide Annexure A-7 (Colly.) ventilating their grievances are pending unanswered with the respondents.

5. The learned counsel further submits that recently the Govt. of India has taken a policy decision on the issue and also issued an Office Memorandum dated 28.09.2018 through the Ministry of Finance, Department of Expenditure in this regard, and the applicants would be satisfied if the O.A. is disposed of by directing the respondents to reconsider the claim of the applicants, keeping in view the decision of this Tribunal dated 23.08.2018 in O.A. No. 3147/2018 (Sneh Lata & Ors. vs. Union of India & Ors.) as well as Office Memorandum dated 28.09.2018, within a fixed timeframe.

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 reconsider the claim of the applicants, keeping in view the judgment dated 23.08.2018 in O.A. No. 3147/2018 (Sneh Lata & Ors. vs. Union of India & Ors.) as well as Ministry of Finance's Office Memorandum dated 28.09.2018 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)

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