

**Central Administrative Tribunal  
Principal Bench  
New Delhi**

**OA No. 4657/2015  
M.A. No.4358/2015**

This the 5<sup>th</sup> day of December, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

1. ESIC Nurses Association  
(Regn. No.DLC/CD/08/10)  
through its President,  
HQ ESIC Model Hospital,  
Basaidarapur,  
New Delhi-110015.
2. Smt. Anamma Varghese,  
Assistant Nursing Superintendent,  
Aged 59 years,  
W/o Sh. T. C. Varghese,  
R/o Qtr. No.23, Type IV,  
ESI Colony, Basaidarapur,  
New Delhi-110015. ... Applicants

( By Ms. Tamali Wad, Advocate )

Versus

1. Union of India through Secretary,  
Ministry of Labour,  
Shram Shakti Bhawan,  
New Delhi-110001.
2. Director General, ESIC,  
Panchdeep Bhawan,  
Comrade Inderjeet Gupta (CIG) Marg,  
New Delhi-110002. ... Respondents

(By Mr. Vijendra Singh and Mr. Amit Chawla, Advocates)

## ORDER

**Justice L. Narasimha Reddy, Chairman :**

The first applicant is Association of Employees State Insurance Corporation (ESIC) Nurses, and the second applicant is said to be its Secretary. This OA is filed with a prayer to direct the respondents to grant the third MACP in the Grade Pay of Rs.6600/- to the Assistant Nursing Superintendents (ANS) and Deputy Nursing Superintendents (DNS), working in various Hospitals of the ESIC.

2. The applicants contend that the issue pertaining to the nature of third MACP to be granted to the ANS and DNS of the ESIC was dealt with extensively by this Tribunal in its order dated 18.03.2015 in OA No.1031/2015 – *Smt. Satya Maya Singh v Union of India & others*, and despite that, the respondents are not extending it to all similarly situated persons. It is stated that the judgment of the Tribunal was upheld by the Delhi High Court and the Supreme Court, and there cannot be any justification to drive every employee to Court for seeking similar relief.

3. The respondents filed counter-affidavit admitting the fact that in OA No.1031/2015 the issue pertaining to the

extension of MACP was dealt with in detail. They did not dispute the fact that the cases of other employees holding those posts stand on the same footing.

4. The applicants have placed before us, copy of the judgment dated 18.03.2015 passed in OA No.1031/2015. The issue was about the nature of the MACP to be granted to ANS and DNS. Reference was made to the order dated 09.05.2012 of the Tribunal passed in OA No.141/2012 – *Delhi Nurses Union v Union of India*. After undertaking extensive discussion, the Tribunal held that the benefit of MACP to ANS and DNS working in the ESIC should be in the Grade Pay of Rs.6600/- and not Rs.5400/-, as was being granted earlier. The same has assumed finality, on being upheld by the High Court and the Supreme Court. The respondents have also implemented the judgment and extended the relief to the applicants therein. We are of the view that similar relief deserves to be granted to all the ANS and DNS who have completed 30 years of service in the ESIC.

5. We, therefore, allow the OA in terms of the order passed in OA No.1031/2015, and direct that similar relief shall be granted to all the Assistant Nursing Superintendents and

Deputy Nursing Superintendents, who became eligible to be granted the MACP. There shall be no order as to costs.

**( Aradhana Johri )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

/as/