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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No.2026 OF 2003

New Delhi, this the 5th day of April, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN  
HON'BLE SHRI S.K. NAIK, MEMBER (A)

1. Dr.K.C. Tamaria,  
Specialist Grade-I (Pediatrics)  
Malviya Nagar Colony Hospital,  
New Delhi-110017.
2. Dr.Anita Sethi, Anesthetist,  
Specialist Grade-I, Safdarjung Hospital,  
New Delhi-110029.
3. Dr.Vimal Bhandar,  
Surgeon, Specialist Grade-I,  
Safdarjung Hospital,  
New Delhi-110029.

....Applicants  
(By Advocate : Shri R.P. Sharma with Shri S.C. Luthara)

Versus

Union of India, through

1. The Secretary,  
Ministry of Health & Family Welfare,  
(Dept. of Health), Nirman Bhawan,  
New Delhi-110 001.
2. Secretary, Ministry of Personnel, Public  
Grievances & Pension, Deptt. of Pers. & Trg.),  
North Block, New Delhi-110 001.
3. Secretary, (H&FW), Govt. of NCT of Delhi,  
Health & Family Welfare Deptt.,  
9th Floor, A-Wing, Delhi Sectt.,  
I.P. Estate,  
New Delhi-110 002.

....Respondents  
(By Advocates : Shri V.S.R. Krishna for R-1 and  
Shri Ashwani Bhardwaj for Mrs.Rashmi  
Chopra for R-3)

ORDER (ORAL)

SHRI JUSTICE V.S. AGGARWAL:-

The applicants had been appointed in the  
Employees State Insurance Corporation (ESIC).

2. By virtue of the present Original Application,  
they seek a direction for fixation of their pay in  
terms of FR 22 (1) (a) (2) and claim that they cannot  
be discriminated because according to them others

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similarly situated persons have been granted the benefits of fixation of pay in terms of the above said fundamental right.

3. The Original Application has been contested.

4. During the course of the submissions, learned counsel for the applicants has drawn our attention to an order passed on 29.5.2003 in the case of Dr.Ajit Sinha and Dr.Ajay Kumar Gupta, a copy of which is placed on record. On the strength of the same, it is contended that the benefits of FR 22 (1) (a) (2) has been granted to the similarly situated other doctors but the benefits of it has not been granted to the applicants.

5. Taking stock of these facts, we are not dwelling into the merits of the case. It is directed that respondent No.1 would consider the claims of the applicants in the light of the above said facts and pass a fresh order preferably within a period of four months from the date of receipt of a certified copy of this order and communicate it to the applicants. It shall be highly appreciated if a speaking order in this regard is passed.

6. Subject to aforesaid, the present Original Application is disposed of.

S.K. NAIK  
(S.K. NAIK)

MEMBER (A)

V.S. AGGARWAL  
(V.S. AGGARWAL)  
CHAIRMAN

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