

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

MA No.172/2019 in & OA.No.366/2019

Dated Friday, the 22nd day of March, 2019

PRESENT

**Hon'ble Mr.R.Ramanujam, Administrative Member
&
Hon'ble Mr.P.Madhavan, Judicial Member**

- 1.G.Arunagiri
- 2.V.Siva
- 3.V.Soundararajan
- 4.C.George
- 5.M.Guhan
- 6.T.Kavitha
- 7.K.Manoharan
- 8.A.Soniyajothi
- 9.A.Jarina Banu
- 10.G.Srigowri
- 11.Sajini South VJ
- 12.Aruldevi

...Applicants

By Advocate M/s M.Ramdass

Vs.

1.Union of India, Rep., by the
Director General,
ESI Corporation, CIG Marg,
New Delhi 110 002.

2.The Dean/Medical Superintendent,
ESIC Hospital, KK Nagar,
Chennai 600 078.

3.The Medical Superintendent,
ESIC Hospital, Tirunelveli

...Respondents

ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. MA No.172/2019 filed by the applicants for joining together to file a single OA is allowed.

2. The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“(i)To call for the records relating to the Impugned order passed by the 1st respondent bearing No.C-18(II)30/2008 M-VI (Integ) Part-V/Vol.II dated 28.07.2018 and set aside the same in respect of the applicant and consequently,

(ii)To direct the respondents to grant higher grade pay to Rs.2400/- from existing Grade pay of Rs.2000/- as granted by the 1st respondent to similarly placed persons based on the orders passed in OA No.260/2005 dated 05.05.2015 by the Hon'ble CAT, Mumbai with effect from the date of joining of applicants and consequently pay the arrears thereof.

(iii)to pass such further or other orders as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

2. It is submitted that the applicants were aggrieved by Annexure A-14 order dated 28.07.2018 by which their request for a higher grade pay of Rs.2400 on the ground that the same had been given by the Central Government to its Lab Assistants had been rejected. The applicants had relied on the orders of the Principal Bench in OA 1114/2008, Calcutta Bench in OA 791/2014, Bombay

Bench in OA 260/2015 and the Bangalore Bench in OA 1657/2015 wherein similarly placed Lab Assistants had been granted pay scale of Rs.4000-100-6000 with a revised Grade Pay of Rs.2400.

3. The competent authority has rejected the claim of the applicants stating that the higher grade pay of Rs.2400 had only been given to the petitioner Lab Assistants in the said cases on the specific directions of the court. Higher grade pay had been provisionally paid to the petitioner Lab Assistants subject to the outcome of WP No.9512/2009 filed in the Hon'ble Delhi High Court.

4. Learned counsel for the applicants submits that the applicants would be satisfied if the competent authority is directed to review the impugned Annexure A-14 order dated 28.07.2018 in the event of the Hon'ble Delhi High Court upholding the order of the Principal Bench and pass a speaking order as to the applicability of the ratio of the judgment to the claim of the applicants.

5. Keeping in view the limited relief urged and without going into the substantive merits of the applicants' claim, we deem it appropriate to dispose of this OA with a direction to the competent authority to review the stand taken by them in Annexure A-14 order dated 28.07.2018 in the event of the Hon'ble Delhi High court upholding the order of the Principal Bench and pass a reasoned and

speaking order, within a period of three months thereafter. The applicants shall not be discriminated against, if they are similarly placed.

6. OA is disposed of as above.

(P.MADHAVAN)
MEMBER(J)

(R.RAMANUJAM)
MEMBER (A)

22.03.2019

M.T.