

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

MA No.179/2019 in & OA.No.392/2019

Dated Friday, the 22nd day of March, 2019

PRESENT

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

1.Uma Parvathy,
D/1, 'B'Type ESIC Staff Quarters,
KK Nagar, Chennai 600 078.

2.J.Kalai Selvi,
14/39, 9th Street,
Padi Pudunagar,
Anna Nagar West, Chennai 101.

3.B.Subhashini,
ESIC Hospital,
KK Nagar, Chennai-78.

4.Mrs.J.Clara Carmel Anthonia,
No.2/6, ESIC Staff Quarters,
KK Nagar, Chennai-78.

...Applicant

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.179/2019 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 refix the scale of pay of the applicants from Rs.3200-85-4900 to Rs.4000-100-6000 as granted by the respondent to similarly placed persons based on the orders passed in O.A.No.1114/2008, dated 19.02.2009 by the Principal Bench, CAT, New Delhi with effect from 01.01.1996 and consequently fix in the corresponding pay scale of Rs.5200-20200+Grade Pay Rs.2400 with effect from 01.01.2006 and payment of 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.