



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 3733/2014

New Delhi, this the 03rd day of December, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

1. Shri Chander Pal Singh, aged 38 years,
S/o Shri Battan Singh,
Resident of F-2/163-64,
Mangolpuri, Delhi, Jr. Radiographer.
2. Shri Gopal Sharma, Aged 37 years,
S/o Shri Rajesh Kumar Sharma,
R/o House No. 46, Gali No. 06,
Wazirabad,
Delhi – 110084, OT Assistant.
3. Shri Gautam, aged 34 years,
S/o Shri Ratan Singh,
R/o 188, Village Bakoli,
P.O. Alipur, Delhi – 36, ECG Technician,
4. Shri Sulekkha Bhattacharya, 35 years,
D/o Sh. S. K. Bhattacharya,
R/o House No. 186, Mangeshpur,
Bawana, Delhi – 39, ECG Technician.
5. Shri Arvind Kumar Mishra, aged 34 years,
S/o Shri Devdutta Mishra,
R/o WZ-830, Nangal Raya,
Delhi – 110046, ECG Technician.
6. Shri Sudesh Bhatt, aged 36 years,
S/o Shri Vidya Dutt Bhatt,
R/o House No. 264, 2nd Floor,
Pocket D-14, Sector-3,
Rohini, Delhi – 110085, OT Technician.
7. Shri Umesh Sharma, aged 40 years,
S/o Shri S. N. Sharma,
R/o A-2/15, Sector – 18,
Rohini, Delhi, Refractionist.



8. Shri Manoj Kumar, aged 36 years,
S/o Shri Het Ram Singh,
R/o D-13/198, 2nd Floor,
Rohini, Delhi – 85, OT Technician.
9. Vijay Kumar Ojha, aged 40 years,
S/o Shri B.P. Ojha,
R/o WZ-1317, Nangal Raya,
New Delhi – 46, Sr. Radiographer.

...Applicants

(By Advocate: Ms. Kamlakshi Singh)

Versus

1. National Capital Territory of Delhi,
Through Chief Secretary,
New Secretariat, Players Building,
ITO, New Delhi.
2. Medical Superintendent,
Maharishi Balmiki Hospital,
Pooth Khurd,
Delhi – 39.

...Respondents

(By Advocate: Mr. H.A. Khan)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman:-

The applicants were engaged as Para Medical Staff in the Maharishi Balmiki Hospital i.e. the 2nd Respondent, which is under the administration of the 1st Respondent. In the context of fixation of their emoluments litigation ensued from time to time. Ultimately, they are being paid the basic attached to the post with some allowances but without periodical increments. Dispute, however,



arose as to the exact pay band admissible to the applicants even in the context of fixing their basic pay. According to the applicants, the basic pay being extended to them is not commensurate with the grade pay allotted to them.

2. Earlier, the applicants filed OA No. 912/2014. The OA was disposed of directing the respondents to pass speaking order on the issue. Accordingly, an order dated 15.07.2014 was passed informing the applicants that their remuneration is being paid in accordance with the relevant provisions of law and nothing needs to be revised. Challenging the same the applicants filed this OA.

3. The applicants contend that the respondents have created uncertainty at various levels and at some stages their emoluments were also reduced and each time they had to approach this Tribunal for seeking remedies. It is also stated that the impugned order does not accord with law.

4. Respondents filed a counter affidavit opposing the OA. It is stated that the engagement of the applicants is only on contractual basis and



they are being paid the emoluments in terms of the judgments rendered by the Hon'ble Supreme court in this behalf.

5. We heard Ms. Kamalakshi Singh, learned counsel for the applicant and Mr. H.A. Khan, learned counsel for the respondents.

6. The issue pertains to the fixation of the emoluments of the Para Medical Staff working in the 2nd Respondents Hospital on contractual basis. In a batch of OA No. 2947/2013, this very issue was dealt with by this Tribunal. Through its judgment dated 12.08.2014, the Tribunal directed the respondents to fix consolidated pay of the applicant therein at the minimum of pay of the grade in the relevant pay band on par with the one fixed in respect of a new entrant. Learned counsel for the respondents does not dispute it. It is brought to our notice that the order in the OA was upheld in W.P. (C) No. 717/2015 by Hon'ble Delhi High Court through its judgment dated 28.03.2017.

7. Therefore, we dispose of this OA directing the respondents to fix the consolidated pay of the



applicants at the minimum of the pay of the grade in the relevant pay band as is fixed in respect of a new entrant. The applicanta shall also be entitled to the benefit that are mentioned in the impugned order and the emoluments so fixed shall be effective from 01.09.2019. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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