



**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

**O.A. No.4255/2015**

This the 21<sup>st</sup> day of August, 2024

**Hon'ble Mr. Manish Garg, Member (J)**  
**Hon'ble Dr. Anand S. Khati, Member (A)**

1. Ms. Seema,  
Aged 28 years,  
W/o Shri Sanjay Kumar,  
R/o 113 D, DDA Flats,  
Mansarover Park, Shadara, Delhi-110032.
2. Mr. Pradeep Kumar,  
S/o Shri Diwan Singh,  
R/o House No. 1406A,  
Gali No.39, Hanuman Kunj,  
B-Block, Santnagar,  
Burari, Delhi-110084.
3. Mr. Amit Solanki,  
S/o Shri Inder Singh Solanki,  
R/o House No.17,  
Vinobha Enclave,  
Jharoda Kala, Delhi-110072.

...Applicants

(By Advocate: Mr. Anuj Aggarwal with Mr. Shakib Malik,  
Mr. Pradeep Kumar & Ms. Divya Aggarwal)

**Versus**



1. Aruna Asaf Ali Govt. Hospital,  
Through its Medical Superintendent,  
5-Rajpur Road, Delhi-110054.
  
2. Government of NCT of Delhi,  
Through its Chief Secretary,  
Secretariat, IP Estate,  
New Delhi-110002.

...Respondents

(By Advocate: Mr. Amit Anand)

**ORDER (ORAL)****Hon'ble Mr. Manish Garg, Member (J)**

In the instant OA, the applicants have prayed for the following reliefs:-

- "i. Issue an appropriate order or direction thereby directing the respondents to re-fix the grade pay of my clients to Rs.2800 w.e.f.01.01.2006 as per the recommendations of the VIth CPC and to pay arrears of difference of salary to my clients w.e.f.01.01.2006 in case of Smt. Seema and Sh. Pradeep and w.e.f.27.04.2013 in case of Sh. Amit Solanki till date.*
- ii. allow the present application with cost, in favour of the applicants.*
- iii. issue any other appropriate order or direction as this Hon'ble Tribunal may deem fit and proper in the interest of justice and in the favour of the applicants"*

2. Narrating the facts of the case, the learned counsel for the applicants submits that the applicants are aggrieved by non-implementation of the recommendations of the 6<sup>th</sup> Pay Commission which came into effect on 01.01.2006. He further submits that juniors to the applicants have already been accorded the said benefits w.e.f. 16.05.2011. He further highlights the averments made in the counter affidavit stating that the respondents have not denied the claim of the applicant. It is contended that the only contention of the applicants is that they ought to have been granted the said benefits w.e.f. the date of implementation



of the 6<sup>th</sup> Pay Commission, i.e., 01.01.2006. He further contends that merely because there is a delayed representation preferred by the applicants, they should not have been deprived of the said benefits.

3. Opposing the grant of relief, the learned counsel for the respondents relies upon the averments contained in the counter affidavit, highlighting the following paras:-

*“It is further submitted that at the very outset to avoid unnecessary litigation further and taking a view that a benefit may also be extended to applicant also which has already been granted to counterpart contractual employee to the applicant namely Sh. Pawan Kumar who has been referred to by the applicant, so that uniformity remains maintained amongst all ECG Technicians (contractual), it was suggested that these three contractual paramedical employees applicants to this OA) may also be extended the grade pay of Rs. 2800/-The benefit could be extended to them from the date of filing the OA, And the issue could be assessed on a consolidate way, if Torther needed. Accordingly in one such endeavor even a written communication in this regard dated 26.9.2016 was prepared and shown to them for their concurrence & assurance, and after their agreeing to that the same could be placed before Hon'ble Court. But that was not acceptable to them and they demanded the benefit wef 01.01.2006, the date of implementation of the Vith Pay Commission.. Thereafter, the file was processed for further clarification from Higher Authorities / Controlling Authority and, who had opined the said relief cannot be granted as referred in para 4.3. If need. arises, the hospital administration will forward again all the cases of these contractual ECG technicians working in the respondent hospital in a consolidated way for necessary action/withdrawal of the benefit of granting Grade Pay 2800 to Pawan Kumar. Therefore, the applicant cannot claim negative equality.”*



4. Heard the learned counsels for the parties and perused the material available on record.

5. We found that there is no doubt that the representations were preferred by the applicants as late as in 2013 and it is also the matter of record that no speaking and reasoned order has been passed on the said representations till date, which ought to have been passed by the respondents by this time. It is also found from the records that juniors to the applicants had been accorded the benefits w.e.f. 16.03.2011.

6. In view of the above submissions, the present OA is disposed of with a direction to the respondents to pass an appropriate order to re-fix the grade pay of the applicants in the grade pay of Rs.2800/- w.e.f. 16.03.2011 i.e., from the date when the juniors to them were accorded the similar benefits. The applicants shall also be entitled from the arrears thereto w.e.f. the said date. The said exercise shall be completed within a period of three months from the date of receipt of a certified copy of this Order.



7. Pending MAs, if any, shall also stand disposed of. No costs.

**(Dr. Anand S. Khati)**  
**Member (A)**

**(Manish Garg)**  
**Member (J)**

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