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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2714/2024**

UNION OF INDIA AND ANR

..... Petitioner

Through: Mr. Vijay Joshi, Mr. Kuldeep Singh,
Mr. Shbham Chaturvedi, Advs.

versus

RAVI BHUSHAN SHARMA & ORS.

..... Respondent

Through: Mr. Sudarshan Rajan, Mr. Ramesh
Rawat, Mr. Hitain Bajaj, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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23.02.2024

CM APPL. 11066/2024 -Ex. & CM APPL. 11067/2024 -Ex.

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

CAV 87/2024

3. Since learned counsel for the respondents enters appearance, the caveat stands discharged.

W.P.(C) 2714/2024 & CM APPL. 11065/2024 -Stay

4. The present writ petition under Article 226 of the Constitution of India seeks to assail the order dated 12.07.2023 passed by the learned Central Administrative Tribunal in O.A. 2091/2018. Vide the impugned order, the learned Tribunal has allowed the original application filed by the respondents in the following terms:



”8. The original application is allowed to the extent that the respondents are issued the following directions:

(i) issue orders forthwith extending the benefit of grade pay of Rs. 2000/- to the applicants as is applicable to their counterparts in Kalawati Saran Hospital.

(ii) take a final decision with respect to the proposal for cadre restructuring by way of creation of post of X-Ray Assistant and accommodating the applicants therein. However, in the interregnum, if they have taken any decision on the proposal which for some reason is not here before us, the respondents shall ensure that no further discrimination is meted out to the applicants and they are extended the grade pay of Rs. 2000/- as is admissible to their counterparts in the Kalawati Saran Hospital.”

5. We find that while directing the petitioners to extend the same grade pay of Rs. 2000/- to the respondents, who are working as Dark Room Assistants in Dr. Ram Manohar Lohia Hospital, New Delhi, as is being granted to similarly placed Dark Room Assistants working in Lady Harding Hospital and Kalawati Saran Children Hospital, the learned Tribunal has relied on its earlier decision dated 19.04.2023 in O.A. 991/2017. It is an admitted position that the said order has attained finality. We, therefore, find no reason to interfere with this direction of the learned Tribunal.
6. However, in so far the learned Tribunal’s second direction is concerned, we find that the learned Tribunal has only directed the petitioners to take a final decision regarding the pending proposal for cadre restructuring by creating post of X-Ray Assistant and accommodating the applicants therein. In our view, this direction does



not create any indefeasible right in favour of the respondents but only directs the petitioners to take a final decision regarding the cadre restructuring. We, therefore, make it clear that in case the petitioners were to take a considered view that the cadre of Dark Room Assistant has to be extinguished, this order will not come in the way from taking a considered decision in this regard. Needless to state, in case the respondents are aggrieved by any decision taken by the petitioner, it will be open for them to seek legal recourse as permissible in law.

7. The writ petition alongwith all pending applications stands dismissed with the aforesaid clarification.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 23, 2024
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