



\$~48

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

+ **W.P.(C) 6661/2024**

UNION OF INDIA & ORS.

..... Petitioner

Through: Mr. Siddhartha Sinha, SPC with Mr.
Nring Chamwibo Zeliang, Ms. Anu Priya Nisha
Minz, Ms. Jyoti Fartiyal, Advs. for UOI.

versus

MS. SAVITA & ORS.

..... Respondent

Through: Ms. Sakshi Rai with Mr. Himanshu
Dutt & Mr. Puneet Yadav, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

09.05.2024

%

CM APPL. 27707/2024 -Ex. & CM APPL. 27708/2024 –LLOD.

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

W.P.(C) 6661/2024 & CM APPL. 27706/2024 –Stay.

3. The present petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 19.04.2023 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No. 991/2017. Vide the impugned order, the learned Tribunal has directed the petitioner to extend the Grade Pay of Rs.2,000/- to the respondents who are working as Dark Room Assistants in Safdarjung Hospital at par with similarly placed Dark Room Assistants, working in Kalawati



Saran Hospital. While issuing these directions, the learned Tribunal has taken into account that both the hospitals are being run by the Central Government. Further, as per the Recruitment Rules of both the hospitals, a certificate in Radiography from a recognised institution is requisite qualification for appointment of a Dark Room Assistant in both the hospitals. The learned Tribunal was, therefore, of the view that no discrimination between the set of two similarly placed employees was permissible.

4. Learned counsel for the petitioner submits that the impugned order is liable to be set aside as despite Dark Room Assistants in both the hospitals discharging same duties, they have been appointed under different Recruitment Rules. He, therefore, prays that the impugned order be set aside.
5. On the other hand, learned counsel for the respondents, who appears on advance notice, submits that the Grade Pay of Rs.2,000/- is not being extended to Dark Room Assistants in Kalawati Saran Hospital but also Lady Hardinge Medical College. She, therefore, submits that the learned Tribunal was justified in directing that the discrimination could not be permitted.
6. Having considered the submissions of the parties, we are of the view that in the light of the admitted position that the Grade Pay of Rs.2,000/- is being extended not only to the Dark Room Assistants in Kalawati Saran Hospital but also to Lady Hardinge Medical College, which hospitals like Safdarjung Hospital are being run by the Central Government, we find no reason to interfere with the impugned order. The writ petition, being meritless is, alongwith all pending



applications, dismissed.

7. As prayed for, the petitioners are granted six weeks' time to implement the impugned order.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 9, 2024
al