

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00587/2019

DATED THIS THE 11TH DAY OF DECEMBER, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

Shri Venkatesh G.,
S/o Late G.N. Gopal,
Aged about 59 years,
Working as Laboratory Technician,
ESIC Model Hospital, Rajaji Nagar,
Bengaluru 560 010,
R/at No. 156/F1, Kanasu
2nd Cross Dwaraka Nagar,
Channasandra, R.R. Nagar
Bengaluru 560 098

.....Applicant

(By Advocate Shri M. Rajakumar)

Vs.

1. The Union of India,
Represented by Secretary,
Department of Labour,
Shrama Shakti Bhavan,
Rafi Marg, New Delhi 110 001

2. Employees State Insurance Corporation,
Head Quarters Office,
Panchadeep Bhavan, CIG Marg,
New Delhi 110 002,
Represented by its Director General.

3. The Regional Director
ESIC Regional Office,
No. 10, Binny fields, Binnypet,
Ranganatha colony,
Bengaluru 560 023

4. The Dean, ESIC MC PGIMSR MH
Rajajinagar,
Bengaluru 560 010

....Respondents

(By Shri N. Amaresh, Counsel for Respondents No. 1 to 4)

O R D E R (ORAL)
(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. MA No. 876/2019 allowed. Additional reply accepted.

Applicant was appointed in 1983 in the State Government. He was absorbed in the ESI corporation with effect from 01.01.2006. While so, applicant was having a payscale of Rs. 810 – 1310. Then the applicant says that he was given a re-designation in 1993 but the respondents says that in 1993 what has been given is a Time Bound One Promotion (TBOP) in the payscale of Rs. 940-1680, therefore, his pay also was increased as is clear from the document produced. Shri M. Rajakumar, learned counsel for the applicant, claims that he was therefore brought in as a Lab Assistant from his earlier Group-D status but then the status remained the same as he remained a Group-D even as a Lab Assistant. But then that is not the soul and spirit of the Hon'ble Supreme Court judgment which indicated that there should not be career stagnation. By this re-designation, his pay also has increased and he was put in a new scale and we think that the ground taken by the respondents that this is to be counted as a career enhancement seems to be correct. Thereafter in 1998 he was duly promoted as a Junior Lab Technician and thereafter in 2013, on completion of 30 years, he was granted an MACP as well. Therefore the career enhancements stipulated by the Hon'ble Apex Court and by the rules thereof have now been satisfied. Therefore, there is no merit in the OA.

2. At this point of time, Shri M. Rajakumar, learned counsel for the applicant, submits that from the year 2013 till now, and as he will retire next year he, is still stagnated. But the Hon'ble Apex Court and the rules framed thereafter speaks only of 3 career enhancements and therefore there may not be any further matter to be agitated in favour of the applicant.

3. The OA is dismissed. No order as to costs.

(C.V. SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00587/2019

Annexure A1 Copy of the appointment order
Annexure A2 Copy of the absorption order
Annexure A3 Copy of the OM dated 19.05.2009
Annexure A4 Copy of the letter dated 27.02.2012
Annexure A5 Copy of the representation dated 01.07.2014
Annexure A6 Copy of the order dated 15.03.2019
Annexure A7 Copy of the office order dated 18.02.2014
Annexure A8 Copy of the representation dated 01.04.2019

Annexures referred in reply

Annexure R1 Copy of the letter dated 28.08.1991
Annexure R2 Copy of the OM dated 19.05.2009

Annexures referred in additional reply

Annexure RJ R1 Copy of the relevant portion of the service book of the applicant

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