

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

REVIEW APPLICATION NO.170/00044/2019
IN
ORIGINAL APPLICATION NO.170/00758/2017

DATED THIS THE 09TH DAY OF JANUARY, 2020

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

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

1. The Union of India
Rep by its Secretary,
Ministry of Labour and Employment,
Shram Shakthi Bhavan, Rafi Marg,
New Delhi – 110 001

2. The Director General, Headquarters Office,
ESI Corporation, Panchadeep Bhawan,
(CIG) Road, New Delhi – 110 002

3. The Medical Commissioner, Headquarters Office,
ESI Corporation, Panchadeep Bhawan,
CIG Road, New Delhi – 110 002Applicants in RA/Respondents in OA

(By Shri M.V. Rao, Senior Panel Counsel)

Vs.

Shri Tamil Maran, S/o Parasuraman,
Working as Plaster Assistant,
ESIC Hospital (Peenya),
Survey No. 11-55-1, Plot No.1,
5th Main Road (FTI Campus),
Yeshwanthpur Industrial Suburb,
Bengaluru 560 022

.....Respondent in RA/Applicant in OA

(By Advocate M/s Subbarao & Co.)

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

Heard. The Original Applicant who is a Plaster Assistant here in Bangalore would like to go on transfer as a Plaster Assistant in Chennai. We had allowed it. Now Shri M.V. Rao, learned counsel for the original respondents, challenges the order saying that the Plaster Assistant post in Chennai is a promotional post. We cannot understand the logic behind it as the matter seems to be covered by order No. 512A/Z/12/14/RTI Act/Admn/Vol-X dated 05.12.2019 and Office Order No. 51-A-12-15-4 (DPC-Paramed)/Admn/2019 dated 13.11.2019, which we quote:

"No. 512A/Z/12/14/RTI Act/Admn/Vol-X

Date: 05.12.2019

To

*Shri Tamil Maran (RTI Applicant), C/O. Ramesh Kumar,
No. 26/2, Gandhi Street, Gnanamurthy Nagar,
Ambattur, Chennai 600 053*

Subject: Information sought under RTI Act – reg.

*Ref: Online RTI Application Rg. No. ESICO/R/2019/53286 dated
26.11.2019*

Sir,

With reference to the above subject, I am to refer to your RTI application as mentioned in reference and accordingly, furnishing the required information sought to this office, as under:-

Q. No.	Query	Reply
1	<i>Whether the appointment of Shri S. Sankar working as Plaster Assistant at ESIC Hospital, KK Nagar has been made under Direct Recruitment Quota or under DPC Quota.</i>	<i>Shri S. Sankar appointed as Plaster Assistant under direct recruitment.</i>
2	<i>At present, whether Shri S. Sankar has been working as the Plaster Assistant or has he been promoted to next higher designation.</i>	<i>Shri S. Sankar has been promoted as Plaster Technician vide Regional Office Order No. 272 (E) of 2019 dated 13.11.2019</i>

3	<i>If, Shri S. Sankar has been promoted, what is his present place of posting and designation</i>	<i>He is relieved from ESIC Hospital, KK Nagar on 28.11.2019 to join at ESIC Hospital, Tirunelveli as Plaster Assistant.</i>
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Prof. Dr. Sowmya Sampath, DEAN of this Hospital is the appellate authority in ESIC Hospital and Medical College and PGIMSR, KK Nagar, Chennai-78.

*Sincerely,
Sd/-
Central Public Information Officer
ESIC Hospital – Medical College and PGIMSR,
KK Nagar, Chennai – 78.”*

“51-A-12-15-4 (DPC-Paramed)/Admn/2019

Date: 13.11.2019

OFFICE ORDER NO. 272 (E) OF 2019

On the recommendation of the Departmental Promotion Committee, the Additional Commissioner and Regional Director has ordered the promotion of the following Plaster Assistant to the post of Plaster Technician on regular basis in the Pay Level 4 in the 7th CPC pay matrix as under:

Sl. No.	Name of the officials (Shri)	Emp. ID.	Present place of Posting	Posting Now ordered
1	S.Sankar	141976	ESICH KK Nagar	ESICH Tirunelveli

The promotion of the above official has been made on regular basis on the recommendation of the DPC and will be subject to such terms and conditions of service as are applicable to similar class of employees as laid down in the ESIC (Staff and Conditions of service) Regulation 1959 as amended from time to time.

The promotion of the above official will take effect from the date of assumption of their duties in the new post. The joining report of the official in the new post are to be forwarded to this office/Branch forthwith.

The official shall continue to draw pay at the minimum in the Pay level 4 of the Pay matrix or existing pay, whichever is higher, pending fixation of pay under the rules, where necessary. The above official, if willing to exercise his option under revised CCS pay rules 2016 read with FR 22 (1) (a) (1) should do so within one month from the date of issue of

this order. Thereafter no option/representation for fixation of pay will be considered and his pay will be fixed as per rule.

In case of non-acceptance of the promotion by the official, he will not be considered for promotion for a period of one year from the date of refusal. In that event his junior(s) may start drawing higher pay and other benefits for which the senior(s) who has refused promotion will not be entitled to any relief in future. Non acceptance of promotion should be intimated in writing to Administration Branch immediately.

The Official shall submit joining/assumption reports as per orders.

Officials accepting/declining the promotion shall submit it in the proforma enclosed within a week of issue of this order.

Sd/-
(R. Suresh)
Deputy Director (A)
For AC & RD”

2. These will indicate that it is the same post to which the original applicant is to be transferred at Chennai also or at Tirunelveli as the case may be.
3. Therefore, there is no ground in the RA. The RA is dismissed. No order as to costs.

(C.V. SANKAR)
MEMBER (A)

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

Annexures referred to by the applicants in RA No. 170/00044/2019

Annexure RA1 Copy of the order dated 09.10.2019 in OA No.758/2017

Annexure RA2 Copy of the ESIC communication dated 27.02.2013

Annexures referred in reply statement

Annexure R1 Copy of the information furnished under the RTI Act by the respondent dated 17.07.2018

Annexures referred in rejoinder

Annexure RJ1 Copy of the Recruitment Rule for Plaster Assistant

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