CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

Original Application No. 180/00111/2020

Friday this the 14th day of February 2020

CORAM:

Hon'ble Mr. Ashish Kalia, Judicial Member

Babu S
Aged 59 years, S/o.Sadanandan,
Assistant/Head Clerk-in-charge,
E.S.I.C. Branch Office, Chathannoor, Kollam-691 572
(residing at Saphalyam, Thazhuthala, Kottiyam P.O.
Kollam-691 571)
 Mob No.9495600371

…..…....Applicant

(By Advocate :   Dr.K.P.Satheesan, Sr. with Mr.P.Mohandas.)

V e r s u s

1. Employees State Insurance Corporation,
   Represented by Director General,
   Headquarters Office, Panchadweep Bhavan,
   CIG Marg,
   New Delhi-110 002.

2. The Director General,
   Employees State Insurance Corporation,
   Headquarters Office, Panchadweep Bhavan,
   CIG Marg,
   New Delhi – 110 002.

3. The Deputy Director (Recruitment),
   Employees State Insurance Corporation,
   Headquarters Office, Panchadweep Bhavan,
   CIG Marg,
   New Delhi – 110 002.

4. The Regional Director,
   Regional Office (Kerala),
   E.S.I.Corporation, Panchadweep Bhavan,
   North Swaraj Round,
   Thrissur-680 020.

.....   **Respondents**

[By Advocate Mr.T.V.Ajayakumar)

This application having been heard on 14.02.2020 the Tribunal on the same day delivered the following:

O R D E R(ORAL)

Hon'ble Mr. Ashish Kalia, Judicial Member –

The applicant is presently working as Assistant in the ESI Corporation. Initially he was on deputation in the ESI Corporation from Kerala State Insurance Medical Services and the applicant was given the right of option. Accordingly, applicant opted the services under ESI Corporation. The next promotion post is Superintendent/Social Security Officer. The applicant has qualified the Limited Departmental Competitive Examination and is eligible for the said post. The employees abosrbed from another hospital challenged the absorption given to the applicant as Assistant. The matter was taken up to Hon'ble High Court as per Annexure A-2. The Hon'ble High Court has observed and directed the respondents that the applicant may be considered for further promotion to the above said post and further ordered that respondent nos.4 to 10 cannot have any grievance of this matter since their seniority is not in any way affected adversely. In view of this, learned Senior Advocate Dr.K.P.Satheesan submits that the case of the applicant be considered for promotion in accordance with law. Applicant has made representation to respondent no.2 and respondent no.2 may be directed to conisder the promotion of the applicant.

2.   Mr.T.V.Ajayakumar put appearance and accepted notice on behalf of the respondents. He has submitted at the Bar that the respondents are willing to consider the case of the applicant. In the light of the stand taken by the counsel for the parties, I am of the view that this Original Application can be disposed of at the admission stage itself with a direction to the respondents to consider the case of the applicant within a period of 4 weeks and if otherwise found suitable, he shall be promoted to the post of Social

Security Officer/Superintendent. Ordered accordingly. It is also observed that in case if any grievance still subsists, applicant may approach this Tribunal again.

3.   The Original Application is disposed of as above. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

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Original Application No. 180/00111/2020

LIST OF ANNEXURES

Annexure A1   -   True copy of the order dated 25.02.2016 in O.A.No.943/2014 and O.A.No.949/2014.

Annexure A2   -   True copy of the Judgment dated 05.03.2019 in O.P. (CAT) No.128/2016

Annexure A3   -   True copy of the order dated 21.08.2019 in R.P.No.795/2019 in OP(CAT) No.128/2016.

Annexure A4   -   True copy of the communication given by the 2nd respondent to the 4th respondent dated 25.03.2019.

Annexure A5   -   True copy of the representation submitted by the applicant to the 2nd respondent dated 20.11.2019.

Annexure A6   -   True copy of the postal receipt dated 21.11.2019.

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